

# Members' Code of Conduct

NAME OF AUTHORITY .....

## PART 1 GENERAL PROVISIONS

### Introduction and interpretation

As a Member you are a representative of this Authority and the public will view you as such. Therefore your actions impact on how the Authority as a whole is viewed and your actions can have both positive and negative impacts on the Authority.

This Code as a whole is consistent with the "Nolan Principles" which are set out in Appendix 1 and the provisions of S29(1) Localism Act 2011.

In this Code-

"Authority" means Basildon Borough Council or one of the Borough's Local Councils (as named above).

"meeting" means any meeting of:

- (a) the Authority
- (b) any of the Authority's committees, sub-committees, joint committees, joint sub-committees or areas committees whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members
- (c) any briefings by officers and site visits organised by the authority

"Member" includes a co-opted member (with voting rights).

### 1. Who does the Code apply to?

- 1.1 This Code applies to all Members of the Authority including co-opted members (with voting rights).
- 1.2 It is your responsibility to comply with the provisions of this Code.

### 2. What does the Code apply to?

- 2.1 You must comply with this Code whenever you -
  - (a) conduct the business of the Authority, or
  - (b) you are acting as a representative of the Authority.
- 2.2 This Code has effect in relation to your conduct in your official capacity.

- 2.3 Where you act as a representative of the 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 the 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. General obligations**

3.1 You must treat others with respect.

3.2 You must uphold the law

3.3 You must adhere to the procedures and protocols set out in the Authority's Constitution.

3.4 You must not--

- (a) do anything which may cause the Authority to breach any of the equality enactments
- (b) bully or harass any person;
- (c) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.

(Bullying may be characterised as: offensive, intimidating, malicious or insulting behaviour; or an abuse or misuse of power in a way that intends to undermine, humiliate criticise unfairly or injure someone. Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.)

3.5 You must not make trivial or malicious allegations against other councillors/co-opted members. These are allegations which are or which appear to be malicious, politically motivated, tit-for-tat or made with an improper motive.

### **4. Standards investigations**

4.1 You must comply with any formal standards investigation.

4.2 You must not 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 the Authority's code of conduct.

## **5. Confidential Information**

5.1 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--
    - (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.

## **6. Conferring an advantage or disadvantage**

6.1 You must--

- (a) 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) when using or authorising the use by others of the resources of your Authority--
  - i act in accordance with the Authority's reasonable requirements;
  - ii ensure that such resources are not used improperly for political purposes (including party political purposes);
- (c) have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

## PART 2 MEMBERS' INTERESTS

### 7. Disclosable Pecuniary Interests

- 7.1 You have a disclosable pecuniary interest in any business of the Authority if it is of a description set out in 7.2 below and is either:
- (a) An interest of yours, or
  - (b) An interest (of which you are aware) of a spouse, civil partner or a person you are living with as a spouse or civil partner (known as "relevant persons").
- 7.2 A disclosable pecuniary interest is an interest which relates to or is likely to affect:
- (a) Any employment, office, trade, profession or vocation carried on by you or a relevant person for profit or gain;
  - (b) Any payment or provision of any other financial benefit (other than from the Authority) made or provided within the relevant period in respect of any expenses incurred in carrying out your duties as a Member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992;
  - (c) Any contract for goods, services or works which has not been fully discharged between you or a relevant person and the Authority or a body in which you or they have a beneficial interest;
  - (d) A beneficial interest in any land in the Authority's area;
  - (e) A licence of any land in the Authority's area (alone or jointly with others) that you or a relevant person occupy for a month or longer;
  - (f) Any tenancy where to your knowledge (a) the landlord is the Authority and (b) the tenant is a body in which you or a relevant person has a beneficial interest;
  - (g) Any beneficial interest in securities of a body where -
    - i that body (to your knowledge) has a place of business or land in the area of the Authority, and
    - ii either:
      - (aa) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
      - (bb) the beneficial interest exceeds one hundredth of the total issued share capital of the share capital of that body, if of more than one class, the total nominal value of the shares of any one class.

## **8. Other Pecuniary Interests**

8.1 You have a pecuniary interest in any business of the Authority where it relates to or is likely to affect:

- (a) any person or body who employs or has appointed you;
- (b) any contract for goods, services or works made between the Authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specific in paragraph 7.2 (g) which has been fully discharged within the last 12 months.

## **9. Non-Pecuniary Interests**

9.1 You have a non-pecuniary interest in any business of your Authority where it relates or is likely to affect:

- (a) 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 the Authority;
- (b) any body:
  - i exercising functions of a public nature; or
  - ii directed to charitable purposes; or
  - iii 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;

- (c) the interests of any person from whom you have received a gift, benefit or hospitality with an estimated value of at least £25;
- (d) a decision in relation to that business might reasonably be regarded as affecting the wellbeing of yourself, your family, a friend or close associate to a greater extent than the majority of:
  - i (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
  - ii (in all other cases) other council tax payers, ratepayers or inhabitants of the Authority's areas

## **10. Declarations of Interests at meetings (Disclosable Pecuniary interests, Other Pecuniary Interests and Non-Pecuniary Interests)**

10.1 Subject to sub-paragraphs 10.2 to 10.3, where you have a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must declare at that meeting the existence and nature of that

interest whether or not it is registered on your Register of Interests or for which you have made a pending notification.

- 10.2 Sub-paragraph 10.1 only applies where you are aware or ought reasonably to be aware of the existence of the interest.
- 10.3 Where you have an interest in any business of your authority which would be declared at a meeting by virtue of paragraph 10.1 but by virtue of paragraph 14 (Sensitive Information) details of the interest are not registered in the Authority's published Register of Members' Interests, you need not disclose the nature of the interest to the meeting

## **11. Effect of Disclosable Pecuniary Interests on participation**

- 11.1 If you are present at a meeting of the Authority or of any committee, sub-committee, joint committee or joint sub-committee of the Authority and you have a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting and you are aware of that interest:
  - (a) you must not participate, or participate further, in any discussion of the matter at the meeting, or participate in any vote, or further vote, taken on the matter at the meeting, and
  - (b) you must withdraw from the room or chamber where the meeting considering the business is being held unless you have received a dispensation from the Authority's proper officer.
- 11.2 If you have a disclosable pecuniary interest in any business of the Authority you must not seek improperly to influence a decision about that business.

## **12. Effects of Disclosure of Other Pecuniary Interests and Non-Pecuniary Interests on participation**

- 12.1 If you have a pecuniary interest other than a disclosable pecuniary interest or a non-pecuniary interest in any business of the Authority 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 you are present at a meeting of the Authority at which such business is to be considered or is being considered you must:
  - (a) disclose the existence and nature of the interest in accordance with paragraph 10.1 (but subject to paragraph 10.3)
  - (b) withdraw from the room or chamber where the meeting considering the business is being held unless you have received a dispensation from the Authority's proper officer, immediately after making your representations or in any other case when the business is under consideration.

### **PART 3 REGISTER OF MEMBERS' INTERESTS**

#### **13. Registration of Members' Interests**

13.1 Subject to paragraph 14, you must, within 28 days of:

- (a) this Code being adopted by or applied to the Authority; or
- (b) your election, re-election or appointment or re-appointment to office (where that is later), or co-opted onto the Authority (with voting rights)

register in the Authority's Register of Members' Interests (maintained by the Monitoring Officer under Section 29(1) of the Localism Act 2011) details of:

- i. disclosable pecuniary interests as referred to in paragraph 7 that you, your spouse, civil partner or person with whom you live as if they were your spouse or civil partner in so far as you are aware of their interests at that time
- ii. other pecuniary interests referred to in paragraph 8 that you have

by providing written notification to the Authority's Proper Officer.

13.2 Subject to paragraph 14, you must, within 28 days of becoming aware of:

- (a) any new disclosable pecuniary interest as referred to in paragraph 7 that you, your spouses, civil partner or person with whom you live as if they were your spouse or civil partner, or other pecuniary interest referred to in paragraph 8, or
- (b) change to any disclosable pecuniary interest or other pecuniary interest registered under paragraphs 13.1 i. or ii above

register details of the new interest or change to an interest by providing written notification to the Authority's Proper Officer.

#### **14. Sensitive Information**

14.1 Where you have a disclosable pecuniary interest referred to in paragraph 7 or other pecuniary interest referred to in paragraph 8 and the nature of the interest is such that you and your Authority's Monitoring Officer consider that disclosure of details of the interest could lead to you or a person connected with you being subject to violence or intimidation if the interest is entered in the Authority's register then copies of the register available for inspection and any published version of the register should not include details of the interest but may state that you have an interest details of which are withheld under s32(2) of the Localism Act 2011 and/or this paragraph.

14.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 14.1 is no longer sensitive information, notify the Authority's Monitoring Officer.

14.3 In this Code “sensitive information” means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subject to violence or intimidation.

## **15. Register of Gifts and Hospitality**

15.1 You must within 28 days of receipt, notify the Authority’s Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which you have accepted as a Member from any person or body other than the Authority.

15.2 The Monitoring Officer will place your notification on a public Register of Gifts and Hospitality.

15.3 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.

## **16. Publication of Code of Conduct and Registers**

16.1 The Members’ Code of Conduct and Registers of Interest and of Gifts and Hospitality will be published on the Council’s website at [www.basildon.gov.uk](http://www.basildon.gov.uk) and on individual local councils’ websites.

January 2020



## **CODE OF CONDUCT**

### **APPENDIX 1**

#### **THE NOLAN PRINCIPLES AND SECTION 28(1) OF THE LOCALISM ACT 2011**

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services and state that holders of public office:

##### **SELFLESSNESS**

Should act solely in terms of the public interest.

##### **INTEGRITY**

Must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

##### **OBJECTIVITY**

Must act and take decisions impartially, fairly and on merit, using best evidence and without discrimination and bias.

##### **ACCOUNTABILITY**

Are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

##### **OPENNESS**

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 so doing.

##### **HONESTY**

Should be truthful

##### **LEADERSHIP**

Should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

*The following two principles are no longer contained in the principles of public life as published by the Committee for Standards in Public Life, but were adopted by the Council as part of its Code of Conduct on 28 June 2012.*

##### **RESPECT FOR OTHERS**

Should promote equality by not discriminating unlawfully against any person and by treating people with respect regardless of their ethnic or national origin, age, sex (male, female), religion or belief, gender identity, sexual orientation or disability. Also to respect the impartiality and integrity of the authority's statutory officers and other employees

##### **DUTY TO UPHOLD THE LAW**

Should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them