

CODE OF CONDUCT FOR MEMBERS

(Adopted by Council on 5 July 2012, updated on 10 April 2014, 2016 & 2020)

Purpose

The Council has a legal duty to promote and maintain high standards of conduct by members of the authority and is determined to provide excellent local government for the people of the District. It has adopted a Code of Conduct for Members, in line with its obligations under section 27(2) of the Localism Act 2011.

The purpose of this Code of Conduct is to assist member in modelling the behaviour that is expected of them, to provide a personal check and balance, and to set out the type of conduct against which appropriate action may be taken.

It is also to protect members, the public, fellow members, council officers and the reputation of local government. It sets out the conduct expected of all members and a minimum set of obligations relating to conduct. The overarching aim is to create and maintain public confidence in the role of member and local government.

NB: It is the individual responsibility of each member to comply with this Code. Failure to do so may result in a sanction being applied by the Council.

Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and an unlimited fine and /or disqualification from office for a period of up to 5 years.

Part One - Application of the Code

1. This Code applies to all members of the Council including co-opted members and appointed members (hereinafter referred to as Members).

1.1 Members must comply with this Code whenever they:-

(a) conduct business of Stroud District Council; or

- (b) act, claim to act or give the impression they are acting as a representative of Stroud District Council; or
- (c) act as a representative of Stroud District Council and references to their official capacity are construed accordingly.
- ~~(d) In addition to having effect in relation to conduct in an official capacity, this Code has effect, at any other time, where conduct constitutes a criminal offence for which they have been convicted or received a Police Caution.~~

1.2 **Interpretation:** If members refer to themselves as councillor, the Code will apply to them. The Code applies to all forms of member communication and interaction and applies in conversation, in writing, or in use of electronic media, including the use of Facebook, blogs and Twitter for example. If they refer to their role as councillor in any way or any comments they make are clearly related to their official role then the Code will apply to those comments.

1.3 Even if a member does not refer to their role as councillor, their public comments may have the effect of bringing their office or authority into disrepute and could therefore breach paragraph 3.2 of the Code.

Part Two - General Obligations

2. Members must behave according to the highest standards of personal conduct in everything they do in their capacity as a member. In particular they must observe the following principles of conduct, some of which are set out in law. All members of the Council shall aspire to uphold and promote the following principles:

Selflessness - members should act only in the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity – members should make decisions impartially and on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities and should cooperate fully and honestly with any scrutiny appropriate to their particular office.

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 there are clear and lawful reasons for doing so.

Leadership – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

Respect for others – members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority’s statutory officers and its other employees.

It is important that Members uphold and promote these principles, a failure to do so may be a breach of this Code. Those matters which may be specific breaches of the Code are set out in the next section.

Part Three - Requirements of the Code

3.1 Members must

- (a) Not use their position as a member to influence, or attempt or purport to influence, any decision or business of the Council in which they have an interest (an interest is defined in sections 4.2, 4.3 and 4.4 of Part 4 below) and they shall comply with the requirements of this Code in relation to interests;
- (b) Not use or attempt to use their position as a member improperly to confer on or secure for themselves or any other person, an advantage or disadvantage; and
- (c) When using or authorising the use by others of the resources of their authority:
 - (i) act in accordance with the Council’s reasonable requirements; and
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (iii) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

3.2 Not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute;

3.3 Carry out all their duties and responsibilities paying due regard to the Public Sector Equality Duty and will seek to:

- (i) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- (iii) Not do anything which may cause the Council to breach the Equality Act 2010

3.4 Show respect and consideration for others;

3.5 Not use bullying behaviour or harass any person; and not intimidate or attempt to intimidate any person or any person who 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 has failed to comply with the Code;

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. The bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and not always be obvious or noticed by others.

The Equality Act 2010 defines harassment as 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'. The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation.¹

3.6 (a) Not disclose information given to the Council in confidence by anyone, or information acquired by the Council or the member which the member believes, or ought reasonably to be aware, is of a confidential nature, except where -

- (i) the member has the consent of a person authorised to give consent;
- (ii) they 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

¹ **Best practice 1:** Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

- (iv) the disclosure is reasonable and in the public interest and made in good faith and in compliance with the reasonable requirements of the Council

(b) Prevent another person from gaining access to information to which that person is entitled by law.

3.7 Not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

3.8 Comply with any formal investigation under the Code and not seek to misuse the Code process, for example, by making allegations against another member for the purposes of political gain or on a trivial or malicious basis.²

3.9 Undertake any training considered by the Council to be reasonably necessary to enable the member to undertake their duties.

3.10 (a) When reaching decisions on any matter have regard to any relevant advice provided to them by -

- (i) the Council's chief finance officer; or
- (ii) the Council's Monitoring Officer,

where that officer is acting pursuant to his or her statutory duties and

(b) Give reasons for all decisions they make in the course of their work as a member in accordance with any reasonable requirements of the Council.

Part Four - Interests

4.1 General Requirement Regarding Interests

4.1 Definition

- (a) An interest to which this Code applies is either a disclosable pecuniary interest (DPI) or if not, an "Other Interest". These are defined at sections 4.2 and 4.3 below. ~~One~~ A member should first ascertain if the interest is a DPI. If it is not then ~~one goes~~ the member should look at ~~to~~ section 4.3 to see if it is any other interest.
- (b) Members will not be considered to have an interest where it arises from an interest of a body or person other than themselves and they were not aware of that body's or person's interest.

4.2 Definition of a Disclosable Pecuniary Interest (DPI)

² **Best practice 2:** Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

- (a) A DPI is any of the interests described below whether it is the Member's or the interest of their spouse, civil partner, or person who they live with as if they were their spouse or civil partner (referred to as "Partner" below).
- (i) **Employment:** any employment or office held, or trade, profession or vocation carried on, by the member or their Partner for profit or gain.
 - (ii) **Sponsorship:** any payment or financial benefit towards the Member's election expenses or expenses as a member received within the last 12 months, excluding any from the Council.
 - (iii) **Contracts:** any current contract between the Council and them, or their Partner, or anybody in which they or their Partner are a business partner, director, or shareholder.
 - (iv) **Land:** any land which is in the Council's area which they or their Partner have a right to occupy or receive the income from, including a licence to occupy land for more than a month.
 - (v) **Corporate tenancies:** any tenancy between the Council and a body in which the member or their Partner are a business partner, director, or shareholder.
 - (vi) **Securities:**
 - any beneficial interest in any shares or other securities of any description in a body, held by the member or their Partner, if the body has a place of business or land in the Council's area, and:
 - the total value of the securities held is over £25,000, or
 - the member or their Partner hold more than one hundredth of the total issued share capital of the body, or
 - if the body has more than one class of shares, the member or their Partner hold more one hundredth of the issued share capital of that class

Note: the descriptions of DPI's above are summaries of the definitions in the regulations.

- (b) A failure to disclose a DPI, 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, are criminal offences in most circumstances, as set out in the Localism Act 2011. They will also be breaches of this Code.

4.3 Definition of “Other Interest”

- (a) A member has an “Other Interest” where a decision on the matter might reasonably be regarded as significantly advantaging or disadvantaging them or, their Partner to a greater extent than the majority of other council tax, business rate payers or inhabitants of your ward. In interpreting and applying this part of the Code, it is imperative that members always act in a manner which is consistent with the key principles set out in the Code at Part 2: ~~Principles~~ General Obligations.
- (b) Exceptions – members do not have any Other Interest in respect of any business of the Council concerning:
 - (i) Housing, where they are a tenant of the Council provided that those functions do not relate particularly to their own tenancy or lease;
 - (ii) School meals or school transport and travelling expenses, where they 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;
 - (iii) 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;
 - (iv) An allowance, payment or indemnity given to members;
 - (v) Any ceremonial honour given to members; or
 - (vi) Setting council tax or a precept under the Local Government Finance Act 1992.

4.4 Disclosure of interests at meetings

- (a) Where the member attends a meeting of the Council or any of its bodies, or of anybody where they are a representative of the Council which considers any business in which they or their Partner have an interest, the member must disclose to that meeting the existence and nature of that interest either
 - (i) when invited to do so at or near the commencement of the meeting; or
 - (ii) at the commencement of the consideration of that business; or (if later)
 - (iii) as soon as the interest becomes apparent.
- (b) Where a member has an interest but, by virtue of paragraph 4.6 it is a Sensitive Interest, they must indicate to the meeting that they have an interest, but need not disclose the sensitive information to the meeting.

4.5 Other Actions to be Undertaken by Members with an Interest

- (a) Subject to paragraph 4.5 (b), in support of the general requirement of this Code that a member shall not influence, or attempt or purport to influence, any decision or business of the Council in which they have an interest there are the following additional requirements:
 - (i) The member must not participate in any discussion or consideration of that matter at any meeting of the Council or any of its bodies, or of anybody where they are a representative of the Council;
 - (ii) The Member shall withdraw from the meeting for the whole time there is a discussion or consideration of the matter; and
 - (iii) The Member shall not vote on the matter.
- (b) Exceptions – if the interest is solely an Other Interest (as defined in paragraph 4.3) which arises:
 - (i) Only in connection with the Member's appointment as a representative of the Council on an outside body; or
 - (ii) As a result of the member's or their Partner's membership of any other body in which the member or their Partner do not hold a position of general control or management

the member may speak on the matter and stay in the meeting room but is prohibited from voting on the matter.

4.6 Sensitive Interests

- (a) A Sensitive Interest is an interest that the member with the interest, and the 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.
- (b) 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.
- (c) 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.
- (d) A member with a Sensitive Interest is subject to all the other provisions of this Code in relation to that interest, including those which prevent members with an interest influencing, or attempting or purporting to influence, any decision or business of the Council in which they have an interest.

4.7 Dispensations

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- (a) The Monitoring Officer may grant a dispensation allowing a Member with an interest to
 - (i) participate, or participate further, in any discussion of the matter, or
 - (ii) participate in any vote, or further vote, taken on the matter at a meeting where the discussion or meeting are in the course of the Council's business.
- (b) The Monitoring Officer may only grant a dispensation if, after having had regard to all relevant circumstances they
 - (i) consider that without the dispensation the number of persons prohibited from participating by section 31(4) of the Localism Act or this Code in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business, or
 - (ii) consider that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business, or
 - (iii) consider that granting the dispensation is in the interests of persons living in the authority's area, or
 - (iv) consider that it is otherwise appropriate to grant a dispensation.
- (c) A dispensation under this Code must specify the period and matters for which it has effect, and the period specified may not exceed four years.

4.8 Registration of members' DPI's

- (a) Members must, within 28 days of either this Code being adopted by Council; or their election or appointment to office (whichever is later) register in the Council's Register of Members' Interests details of their disclosable pecuniary interests (DPI's) as defined in section 4.2.
- (b) Registration shall be **satisfied** by providing to the Monitoring Officer a fully completed form provided by the Council for this purpose.
- (c) Members must, within 28 days of becoming aware of any new DPI or change to any such interest already registered, register details of that new interest or change by providing written notification with sufficient details of the change to the Monitoring Officer to properly update the Register.
- (d) Where a member has declared a DPI at a meeting which is not in the Council's Register of Member's Interests, and in respect of which no notice has already been given to the Monitoring Officer, the member shall, within 28 days of making the declaration, provide sufficient details of the interest for the Monitoring Officer to properly update the Register.