

SECTION 13 – CODE OF CONDUCT FOR MEMBERS AND CO-OPTED MEMBERS BRACKNELL FOREST BOROUGH COUNCIL

1. INTRODUCTION

- 1.1 This Code of Conduct was initially adopted by the Council at its meeting on 16 May 2012 which adoption was confirmed by resolution of the Council on 18th July 2012 pursuant to the Localism Act 2011 and its duty to promote and maintain high standards of conduct by Members and Co-opted Members of the Council.

2. APPLICATION

- 2.1 This Code of Conduct applies to you when you are acting as a Member or Co-opted Member of the Council. Throughout this Code “Member” shall be deemed to refer also to Co-opted Members.

- 2.2 This Code of Conduct is consistent with and based upon the following principles:-

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

The above terms are expanded in the Annexe to this Code under the heading ‘The Principles’.

3. GENERAL OBLIGATIONS

- 3.1 You must treat others with respect.

- 3.2 You must not:-

- (a) do anything which may cause the Council to be in breach of any duty not to discriminate contained in the Equality Act 2012;
- (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.

- (d) do anything which compromises or is likely to compromise the impartiality of those who work for or on behalf of the Council;
- (e) conduct yourself in a manner which could reasonably be regarded as bringing your office as a Councillor or Co-opted Member of the Council into disrepute;
- (f) 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.

4. ACCESS TO AND DISCLOSURE OF INFORMATION

4.1 Do not 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 to do so by law
- (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:-
 - (a) reasonable and in the public interest, and
 - (b) is made in good faith and in compliance with the reasonable requirements of the Council.

4.2 Do not prevent another person from accessing information if that person is entitled to do so by law.

5. DECISION MAKING

5.1 When reaching decisions on any matter you must:-

- (a) have regard to any advice provided to you by the Borough Treasurer and/or the Monitoring Officer pursuant to their statutory duties, and
- (b) give reasons for the decisions in accordance with any legal requirements or any additional requirements imposed by the Council.

6. RESOURCES

6.1 When using or authorising the use by others of the resources of the Council you must:-

- (a) act in accordance with the Council's requirements, and

- (b) ensure that such resources are not used improperly for political purposes (including party political purposes);
- 6.2 You must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986

7. INTERESTS

Introduction

- 7.1 Under this Code of Conduct there are two types of interest. The first type is “Disclosable Pecuniary Interests” which are prescribed by law. **You should note that contraventions of any of the provisions below relating to Disclosable Pecuniary Interests could result in your being subject to a criminal prosecution which upon conviction could result in a fine of up to £5,000 being imposed.** The second type of interest is “Personal Interests”. In relation to Personal Interests the requirements are that you register and disclose the interest as set out below but they do **not** preclude you from participating in the relevant matter (unless the Personal Interest is also a Disclosable Pecuniary Interest).

At the time of drafting this Code of Conduct the regulations defining “Disclosable Pecuniary Interests” have yet to be issued so it is not possible to determine whether there is any overlap between “Disclosable Pecuniary Interests” and “Personal Interests”. In the event of there being such an overlap the provisions set out below relating to Disclosable Pecuniary Interests must be observed.

Disclosable Pecuniary Interests

- 7.2 You have a Disclosable Pecuniary Interest if it falls within the description set out below and either:-
 - (a) it is your interest, or
 - (b) it is an interest of your spouse or civil partner, a person with whom you are living as husband and wife/as if you were civil partners AND you are aware that such other person has an interest.

Categories of Disclosable Pecuniary Interests

<u>Subject</u>	<u>Prescribed Description</u>
Employment, office trade, professional or vocation	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 you in carrying out duties as a Member, or towards your election expenses.</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 you or a relevant person (or a body in which you or a relevant person has a beneficial interest) and the Council –</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 Borough.
Licences	Any licence (alone or jointly with others) to occupy land in the Borough for a month or longer.
<u>Subject</u>	<u>Prescribed Description</u>
Corporate tenancies	<p>Any tenancy where (to your knowledge) -</p> <p>(a) the landlord is the Council; and</p> <p>(b) the tenant is a body in which you or a relevant person has a beneficial interest</p>
Securities	<p>Any beneficial interest in securities of a body where –</p> <p>(a) that body (to your knowledge) has a place of business or land in the Borough; 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</p>

more than one class, the total nominal value of the shares of any one class in which you or a person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Definitions

“body in which you or a relevant person has a beneficial interest” means a firm in which you or a relevant person is a partner or a body corporate of which you or a relevant person is a Director, or in the securities of which you or a relevant person has a beneficial interest.

“director” includes a member of the Committee of management of an industrial provident society.

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for you or a relevant person (alone or jointly with another) to occupy the land or to receive income.

“relevant period” means the period of one year ending with the day on which you give a notification of your Disclosable Pecuniary Interests to the Monitoring Officer.

“relevant person” is a person falling within 7.2(b) above.

“securities” means shares, debentures, debenture 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.

7.3 Within 28 days of becoming a Member you must notify the Monitoring Officer of any Disclosable Pecuniary Interests which you have. Where you become a Member as a result of re-election or re-appointment the requirement to notify the Monitoring Officer only applies in relation to Disclosable Pecuniary Interests not already notified.

7.4 If you are present at a meeting of the Council, a Committee, Sub-Committee, Joint Committee, the Executive or an Executive Committee and you are aware that you have a Disclosable Pecuniary Interest in any matter to be considered:-

- (a) if the interest is not registered you must disclose the interest to the meeting **and** notify the Monitoring officer within 28 days;
- (b) you must not participate in discussion of the matter, or vote on the matter and you must leave the Council Chamber/room when the matter is being considered **unless** you have been granted a dispensation by the Monitoring Officer or by the Governance and Audit Committee.

7.5 If you are an Executive Member acting alone in the discharge of a Council function (i.e. if the matter falls within the Executive Member's portfolio) and you have a Disclosable Pecuniary Interest in a matter:-

- (a) you must not take any steps in relation to the matter other than for the purpose of enabling it to be dealt with by another Member, and
- (b) if the interest is not registered you must notify the Monitoring Officer of the interest.

Personal Interests

7.6 The following are Personal Interests and should be registered on the Council's register of Member's interests:-

- (a) your membership of or being in a position of general control or management where you are appointed/nominated by the Council;
- (b) your membership of or being in a position of general control or management of any body:-
 - (i) exercising functions of a public nature
 - (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)
- (c) any employment or business carried on by you;
- (d) any person or body who employs or has appointed you;
- (e) any person or body other than a Council who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
- (f) any person or body who has a place of business or land in the Borough, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- (g) any contract for goods, services or works made between the Council 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 specified in sub-paragraph (f);
- (h) any person from whom you have received a gift or hospitality with an estimated value of at least £25;
- (i) any land in the Borough in which you have a beneficial interest;
- (j) any land where the landlord is the Council and you are, 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 specified in sub-paragraph (f) is, the tenant.

7.7 You also have a Personal Interest in relation to a matter if it can reasonably be regarded as affecting your well-being or financial position of a relevant

person (as defined below) to a greater extent than the majority of other Council tax payers, rate payers or inhabitants in your Ward.

A “relevant person” is:-

- (a) a member of your family or any person with whom you have a close association;
- (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 paragraphs 7.6(a) or 7.6(b).

7.8 Subject to paragraphs 7.9 to 7.11 (inclusive), where you have a Personal Interest in any business of your authority and you attend a meeting of the Council, a Committee, Sub-Committee, the Executive or an Executive Sub-Committee 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.

7.9 Where you have a Personal Interest in any business of your authority which relates to or is likely to affect a person described in 7.6(a) or 7.6(b)(i), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

7.10 Where you have a Personal Interest in any business of the authority of the type mentioned in paragraph 7.6(h), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

7.11 Paragraph 7.8 only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

Sensitive Interests

7.12 If you have a Disclosable Pecuniary Interest or a Personal Interest but you consider that disclosure of the interest could lead to you or a person connected with you being subject to violence or intimidation **and** the Monitoring Officer agrees with that assessment then instead of disclosing the interest you need only disclose that you have a Disclosable Pecuniary Interest or a Personal Interest (as the case may be).

THE PRINCIPLES

- **Selflessness**
Members should serve only 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 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 co-operate fully and honestly with any scrutiny appropriate to their particular office.
- **Openness**
Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.
- **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.