

## **Standards Committee – 22<sup>nd</sup> January 2018**

### **Councillor Code of Conduct**

#### **Summary of report:**

The report is proposing changes to the Councillor Code of Conduct to be presented to Annual Council on the May 2018. This is part of the consultation to consider the proposed changes.

#### **Background papers:**

1. Amended Code of Conduct

#### **Recommendation:**

1. That the Committee note the proposed changes to the Code of Conduct for Elected Members.
2. The Monitoring Officer to discuss the proposed changes with the Group Leaders.
3. That the amended Code of Conduct for Elected Members be put to Annual Council for approval as part of the wider constitutional report.

### **1.0 Background**

- 1.1 There is a requirement for Councils to promote and maintain high standards of behaviour by its Members and Co-Opted Members whenever they are acting in the capacity of Councillor. The Code of Conduct should be based upon the “Nolan” principles of standards in public life. These are selflessness, integrity, objectivity, accountability, openness, honesty, and leadership. There is an element of discretion however as to what is in the Code of Conduct and the Arrangements for investigating complaints.
- 1.2 The Code of Conduct has been amended previously and is as is the rest of the constitution subject to regular review to ensure that it remains up to date and is fit for purpose. Any changes to the constitution require the approval of Council which is why it is proposed to submit the amended code to Annual Council.
- 1.3 Prior to submitting the amended Code to council the Monitoring Officer will discuss the proposed amendments with the group leaders, as they are integral to maintaining high standards of conduct at the council.

- 1.4 The current Code of Conduct is based on the LGA Template Code of Conduct and the DCLG Illustrative Code of Conduct which were published in 2012 shortly after the commencement of the new standards regime. The proposed changes have been made to make the Code clearer for Elected Members and members of the public. They have been made after considering the current Code of Conduct and other codes of conduct now that the new standards regime has been in place for some time.

## **2.0 Resource and legal considerations:**

- 2.1 There are not resource considerations as this will be done in existing budgets through established procedures. The council is required under the Localism Act 2011 to have a Code of Conduct for elected members.

## **3.0 Performance and Risk Management issues:**

- 3.1 Performance and risk management are a feature of all council functions. It is important that council policies and procedures are reviewed and updated on a regular basis. If the council fails to do this there is an increased risk that the council will be subject to legal challenge or litigation.
- 3.2 In terms of performance it is important that both Elected Members have a clear framework of standards to follow in delivering services to the community. These frameworks provide accountability and transparency in respect of the way in which the council delivers services.

## **4.0 Reducing Inequalities:**

- 4.1 In maintaining up to date policies and procedures the council will ensure that services are delivered fairly in an open and transparent manner. There are specific requirements in both codes that elected members and officers observe equalities. It is important that complaints are dealt with in a fair and transparent manner.

## **5.0 Consultation:**

- 5.1 There is no requirement to consult on this report. However the Monitoring Officer will meet with the Group leaders to discuss the changes.

### **Author:**

Tony Cox  
Head of Legal and Democratic Services  
☎ 01922 654822  
✉ [coxt@walsall.gov.uk](mailto:coxt@walsall.gov.uk)

# 1 – Members’ Code of Conduct

## Introduction

The Council has adopted this code of conduct to promote and maintain high standards of behaviour by its Members and Co-opted Members whenever they conduct the business of the Council and/or are acting in their capacity as a Councillor.

In accordance with the Localism Act provisions, when acting in this capacity you should be committed to behaving in a manner that is consistent with the Nolan Principles governing standards in public life. The Nolan principles are:

**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.

**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.

**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.

**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.

**Openness:** Holders of public office should be as open as possible about all decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**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.

**Leadership:** Holders of public office should promote and support these principles by leadership and example.

## 1. Application

As a member of the Walsall Metropolitan Borough Council your conduct should in particular address the statutory principles of the code of conduct by:

- 1.1 Using your position as a Member in the public interest and not for personal advantage.
- 1.2 Dealing with all matters fairly, appropriately and impartially, and in accordance with the law and constitution, policies and procedures of the council.

- 1.3 Respecting the confidentiality of information which you receive as a Member:-
- i) not disclosing confidential information to third parties unless required by law; and
  - ii) not obstructing third parties legal rights of access to information
- 1.4 exercising your own independent judgement taking decisions for good and substantial reasons:-
- i) attaching appropriate weight to all relevant considerations including, where appropriate, public opinions and the views of political groups
  - ii) paying due regard to the advice of officers, and in particular to the advice of the statutory officers, namely the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer, and
  - iii) stating the reasons for your decisions where those reasons are not otherwise apparent
- 1.5 Complying with the authority's rules on the use of public resources for private and political purposes.
- 1.6 Not conducting yourself in a manner that is likely to bring the authority into disrepute.
- 1.7 Treating people with respect, and not bullying people, including external organisations and partners you engage with.
- 1.8 Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within the authority. This will require Members to have the relevant knowledge to carry out their role which is why there is an expectation that Members will attend a minimum of 12 hours training each municipal year. The Council has developed a training and professional development programme to support Members. Members sitting on certain licensing, planning, employment committees are required to undertake mandatory training prior to sitting on the same.

## **2. Registration and disclosure of interests**

### **2.1 Registration of interests**

1. Within 28 days of your election or co-option, you must notify the Monitoring Officer of any "disclosable pecuniary interests" which you have at that time.

2. Where you are re-elected or re-appointed you will have to complete a new Notification of disclosable pecuniary interests form within 28 days of your election or co-option.
3. You must keep your register of interests entry up to date by notifying the Monitoring Officer of any changes to your disclosable pecuniary interests within 28 days of the change occurring, or of you becoming aware of the change.
4. A “disclosable pecuniary interest” is as prescribed by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and set out in the Appendix to the Code.
5. A pecuniary interest is a “disclosable pecuniary interest” in relation to you if it is of a type described above, and either:
  - (a) it is an interest of yourself, or
  - (b) it is an interest of:
    - (i) your spouse or civil partner,
    - (ii) a person with whom you are living as husband and wife, or
    - (iii) a person with whom you are living as if they were civil partners,and you are aware that that other person has the interest.
6. You are required to notify the Monitoring Officer of any gifts or hospitality with an estimated value of at least £50 which you receive in your role as a member or co-opted member of the Council. You must inform the Monitoring Officer of any such gifts or hospitality within 28 days of receiving them so that the details can be entered in the record held by the Monitoring Officer.

## **2.2 Sensitive interests**

- 2.2.1 If the nature of an interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you, or a person connected to you, being subject to violence or intimidation, the interest must not be included in any published version of the Register of Interests, or be entered into any copy of the register that is available for public inspection. Instead the Register of Interests may state that the member has an interest the details of which are withheld under Section 32(2) of the Localism Act 2011. If the member is required to disclose such an interest in a meeting, the member need not disclose the interest, but merely the fact that the member has a disclosable pecuniary interest in the matter concerned.

### **3.0 Disclosure of disclosable pecuniary interests at meetings, etc.**

- 3.1. The following provisions apply if you are present at a meeting of the authority, the Cabinet or of any committee, sub-committee or joint committee or joint sub-committee of the authority or you are a Cabinet member exercising an executive function and you are aware that you have a disclosable interest in a matter to be considered, or being considered, at the meeting or which is the subject of the executive decision.
- 3.2. If the interest is not entered into the authority's Register of Interests, you must disclose the interest to the meeting (unless the interest is a sensitive interest).
- 3.3. If the interest is not entered into the authority's Register of Interests and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of disclosure.
- 3.4. Where the interest does appear in the Register of Interests, you must bring the interest to the attention of the meeting (unless the interest is a sensitive interest).
- 3.5. You may not:
  - (a) participate, or participate further, in any discussion of the matter at the meeting or in the case of an executive decision you must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with by someone else),
  - (b) participate in any vote, or further vote, taken on the matter at the meeting (unless you have requested and been granted a relevant dispensation as provided for under the Localism Act 2011.), or
  - (c) remain in the room during the discussion or vote on the matter.

#### **4.0 Disclosure of other significant interests at meetings**

- 4.1. Where you are present at a meeting of the authority, Cabinet or any committee, sub-committee, joint committee or joint sub-committee of the authority, or you are a Cabinet member exercising an executive function, and identify any other significant interests which a fair minded, informed and objective observer would having considered all the facts conclude that there is a real possibility that your decision making would be biased, you should declare the interest. Such interests should be declared at the meeting or, in the case of a Cabinet member exercising an executive function, prior to taking a decision.
- 4.2 You may have a “significant interest in an item of business of your authority where:
- i) a decision in relation to that item of business might reasonably be regarded as affecting the wellbeing of you or a member of your family, a person, or organisation with whom you have a close relationship or association to a greater extent than it would affect the majority of the Council Tax Payers, rate payers or inhabitant of the ward or electoral area for which you have been elected or otherwise of the authority’s administrative area.
- 4.3 In such circumstances you must consider whether your continued participation in the matter relating to your interest would be reasonable in the circumstances, particularly if the interest may give rise to a public perception of a conflict of interests in the matter under discussion.

#### **5.0 Allegations of a failure to comply with the Code of Conduct**

- 5.1 All complaints alleging a failure to comply with this Code will be considered in accordance with a procedure agreed by the Council.

## Appendix

### Disclosable pecuniary interests

A “disclosable pecuniary interest” is an interest of yourself or an interest (which you are aware of) of 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 are civil partners) within the following descriptions of interests.

“M” refers to you and “the relevant person” to you and those people described above.

Interest	Description
Employment	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 Council) 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 which the relevant person has a beneficial interest) and the Walsall Metropolitan Borough 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 Walsall Metropolitan Borough.
Licences	Any licence (alone or jointly with others) to occupy land in the area of Walsall Metropolitan Borough Council for a month or longer.



Corporate tenancies	<p>Any tenancy where ( to M's knowledge):</p> <p>(a) the landlord is the Walsall Metropolitan Borough Council; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
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 Walsall Metropolitan Borough Council; 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 body has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

These descriptions of interests are subject to the following definitions:

“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;

“relevant period” means the period of 12 months ending with the day on which the Monitoring Officer is notified of the interest;

“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 or any description, other than money deposited with a building society.



## Notification of Disclosable Pecuniary Interests

NAME

A member of

WALSALL METROPOLITAN BOROUGH COUNCIL

### Important notes

- (1) The requirement to notify the Monitoring Officer of a disclosable pecuniary interest applies not only to your own interests but also those of your husband/wife/civil partner, or a person with whom you are living as husband/wife or as if you are civil partners, where you are aware that the other person has the interest.

The term “relevant person” therefore means you and any other person referred to above.

- (2) Details of your notified interests will appear in the members’ register of interests and will be published on the Council’s website, and open to public inspection.
- (3) If you consider that the disclosure of the details of any of your interests could lead to you, or a person connected with you, being subject to violence or intimidation, and you would like to withhold these details from the register of interests, please provide this information to the Monitoring Officer and explain your concerns regarding the disclosure of the sensitive information, including why it is likely to create such a risk. If the Monitoring Officer agrees, the information will not be included in copies of the register made available for inspection, or any published version of the register.
- (4) Please state “none” where appropriate.

*Further explanatory notes are included at the end of this notification.*

## Part A: Employment

Any employment, office, trade profession or vocation carried on for profit or gain:

You	Husband/wife/civil partner or a person with whom you are living as husband/wife or as if you are civil partners

## Part B: Sponsorship

Any payment or provision of any other financial benefit other than Walsall Metropolitan Borough Council made or provided within the relevant period\* in respect of expenses incurred by you in carrying out duties as a member, or towards the election expenses of yourself. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

\* “relevant period “ means the period of 12 months ending with the day on which you gave a notification for the purposes of Section 30(1) or Section 31(7), as the case may be, of the Localism Act 2011.

--

## Part C: Contracts

Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest\*) and Walsall Council:

- (a) under which goods or services are to be provided or works are to be executed; and
- (b) which has not been fully discharged.

\* "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.

<b>You</b>	<b>Husband/wife/civil partner or a person with whom you are living as husband/wife or as if you are civil partners</b>

## Part D: Land

Any beneficial interest in land\* which is within the area of Walsall Metropolitan Borough Council.

\* "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.

<b>You</b>	<b>Husband/wife/civil partner or a person with whom you are living as husband/wife or as if you are civil partners</b>

## Part E: Licences

Any licence (alone or jointly with others) to occupy land\* in the area of the relevant authority for a month or longer.

\*“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.

You	Husband/wife/civil partner or a person with whom you are living as husband/wife or as if you are civil partners

## Part F Corporate tenancies

Any tenancy where, to your knowledge:

- (a) the tenant is Walsall Metropolitan Borough Council; and
- (b) the tenant is a body in which the relevant person has a beneficial interest.

\* “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.

“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.

You	Husband/wife/civil partner or a person with whom you are living as husband/wife or as if you are civil partners

### Part G: Securities

Any beneficial interest in securities\* of a body where:

- (a) that body (to your knowledge) has a place of business or land in the area of the Walsall Metropolitan Borough Council; and
- (b) either:
  - (i) the total nominal value of the securities exceeds £25,000 (face value) or one hundredth (1/100th) 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.

\* “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.

You	Husband/wife/civil partner or a person with whom you are living as husband/wife or as if you are civil partners

## Part H: Declarations

**Important:** It is a criminal offence to fail to notify the Monitoring Officer of any disclosable pecuniary interest (DPIs). This requirement arises in each of the following circumstances:

- (a) before the end of 28 days beginning with the day on which you become a member or co-opted member of the authority (s30(1) Localism Act 2011);
- (b) where the DPI is not entered in the authority's register and is not the subject of a pending notification, but is disclosed at a meeting of the authority (or any committee, sub-committee, joint committee or joint sub-committee) as required by s31(2) of the Localism Act, within 28 days beginning with the date of the disclosure (s31(3) Localism Act 2011);
- (c) where the DPI is not entered in the authority's register and is not the subject of a pending notification, with 28 days beginning with the date when you become aware that you have a DPI in any matter to be dealt with, or being dealt with, by you acting alone in the course of discharging of a function of the authority (s31(7) Localism Act 2011).

It is also a criminal offence to knowingly provide information that is false or misleading (or being reckless as to whether the information is true and not misleading).

In addition to the above, the Walsall Metropolitan Borough Council has adopted a Code of Conduct for members which requires you to notify the Monitoring Officer of any DPIs before the end of 28 days beginning with the day on which the code takes effect. Failure to comply with this requirement would not in itself be a criminal offence, but could render you liable to action being taken against you under the Code.

To the best of my knowledge, the information given in this form is complete and correct.

Name: .....	Signed: .....
Date: .....	

*This form is to be returned direct to the Monitoring Officer.*

This declaration has been registered by me:	
Monitoring Officer .....	Date: .....



# Walsall Council

**THE LOCALISM ACT 2011 Section 30(3)  
The Relevant Authority (Disclosable Pecuniary Interests)  
Regulation 2012**

**NOTIFICATION BY MEMBER OF A LOCAL AUTHORITY OF  
RECEIPT OF GIFT OR HOSPITALITY OVER THE VALUE OF £50**

**I (full name)**

**GIVE NOTICE** that I have received the following [gift(s) / hospitality] (*delete whichever does not apply*) over the value of £50.

(a) Date(s) of receipt of [gift(s) / hospitality]

(b) Name(s) and address(es) of donor(s)

(c) Nature of gift(s) and/or hospitality

Date: \_\_\_\_\_ Signed \_\_\_\_\_

**NOTE – This notification must be given by a Member to the authority's Monitoring Officer within 28 days of receiving any gift or hospitality over the value of £50.**



