

**Wiltshire Council
Constitution
Part 12A
Wiltshire Council Code of
Conduct for Members**

Contents

Code of Conduct	3
1. Respect	3
2. Bullying, harassment, and discrimination	3
3. Impartiality of officers of the council	3
4. Confidentiality and access to information	3
5. Disrepute	4
6. Use of position	4
7. Use of local authority resources and facilities	4
8. Complying with the Code of Conduct	4
9. Interests	5
10. Gifts and hospitality	5
11. Taking decisions	5
Appendix 1 – Roles and Responsibilities of Members	6
Appendix 2 – Wiltshire Council EPIC Values	10

PART 12

WILTSHIRE COUNCIL CODE OF CONDUCT FOR MEMBERS

As a Member or Co-opted Member of Wiltshire Council, I shall have regard to the following principles:

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

To uphold these principles, I will follow the below Code of Conduct whilst carrying out my role.

1. **Respect**

- 1.1 I treat other Councillors and members of the public with respect.
- 1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

2. **Bullying, harassment, and discrimination**

- 2.1 I do not bully any person.
- 2.2 I do not harass any person.
- 2.3 I promote equality and do not discriminate unlawfully against any person.

3. **Impartiality of officers of the council**

- 3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

4. **Confidentiality and access to information**

- 4.1 I do not disclose information:
 - 4.1.1 given to me in confidence by anyone;
 - 4.1.2 acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless:
 - 4.1.2.1 I have received the consent of a person authorised to give it;
 - 4.1.2.2 I am required by law to do so;

Part 12A

Last Updated ~~18-October-2022~~ 18 July 2023

4.1.2.3 The disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or

4.1.2.4 The disclosure is:

- a) Reasonable and in the public interest; and
- b) made in good faith and in compliance with the reasonable requirements of the local authority; and
- c) I have consulted the Monitoring Officer prior to its release.

4.2 I do not improperly use knowledge gained solely as a result of my role as a Councillor for the advancement of myself, my friends, my family members, my employer or my business interests

4.3 I do not prevent anyone from getting information that they are entitled to by law

5. **Disrepute**

5.1 I do not bring my role or local authority into disrepute

6. **Use of position**

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

6.2 I do not place myself under a financial or other obligation to outside individuals or organisations that might seek to influence me in the performance of my official duties.

7. **Use of local authority resources and facilities**

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

7.2.1 act in accordance with the local authority's requirements; and

7.2.2 ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.

8. **Complying with the Code of Conduct**

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with all sanctions imposed on me and any recommendations agreed to be undertaken by me following a finding that I have breached the Code of Conduct and any undertakings that I have agreed to fulfil as part of the informal/alternative resolution of any alleged breach of the Code of Conduct.

9. Interests

9.1 I register and disclose my interests **as defined under Part 12B.**

Commented [EK1]: For clarification - council approved the Code and guidance as one document in two parts, 12A and 12B is simply a formatting approach for consistency with the rest of the constitution.

10. Gifts and Hospitality

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority, or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept

11. Taking Decisions

11.1 When carrying out my public duties, I make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

11.2 I am as open as possible about my decisions and actions and the decisions and actions of my authority, and am prepared to give reasons for those decisions and actions.

11.3 I am accountable for my decisions to the public and will co-operate fully with whatever scrutiny is appropriate to my office.

This Code of Conduct sets out the minimum standards of conduct required of you as a Councillor.

This Code of Conduct should be read in conjunction with the guidance set out in this constitution as well as the following appendices:

Appendix 1 – [Roles and Responsibilities of Members](#)

Appendix 2 – [Wiltshire Council EPIC Values](#)

Appendix 1 – Roles and Responsibilities of Members (Part 11 of the Constitution)

1. Purpose and background

- 1.1 This is a description of the role that all Members will be expected to perform. Members may have additional regulatory, licensing or scrutiny responsibilities or be a member of the Cabinet – there will be specific role descriptions drawn up for them, and each of these responsibilities is likely to attract additional time commitments.

2. Size of the role

- 2.1 The number of voters in each division from 2021 onwards will be in the order of 4,268; you will be accountable to them for any issue relating to the council's activities and, through the area boards, for the much broader concerns of the community.

3. Breadth of the role

- 3.1 Members will be responsible for helping constituents to resolve problems associated with, amongst other things:

- 3.1.1 Planning
- 3.1.2 Housing
- 3.1.3 Licensing
- 3.1.4 Environmental health
- 3.1.5 Car parking and enforcement
- 3.1.6 Protecting the environment
- 3.1.7 Leisure
- 3.1.8 Refuse collection and recycling
- 3.1.9 Community planning
- 3.1.10 Council tax collection
- 3.1.11 Housing benefit
- 3.1.12 Education
- 3.1.13 Social services
- 3.1.14 Libraries
- 3.1.15 Roads
- 3.1.16 Consumer protection
- 3.1.17 Children's services
- 3.1.18 Health scrutiny
- 3.1.19 Transport
- 3.1.20 Economic development

4. Allowances

- 4.1 Allowances to Members are as set out in Part 13 – Members' Allowances Scheme.

5. Anticipated hours required to perform the role

- 5.1 The time unitary Members will need to carry out the role will depend on many things:

- 5.1.1 If you have a rural division, you will spend more time travelling;
- 5.1.2 If you are a new Member you will have to spend a lot of time being trained to enable you to carry out the role;
- 5.1.3 If you have a particular interest you may choose to become more involved in committees associated with these matters;
- 5.1.4 If there are important or controversial issues in your division they may occupy a lot of your time.

5.2 National figures show that unitary Members spend on average 27 hours a week on the role. There are formal meetings you will be expected to attend, but much of the work will be in your division when constituents contact you with a problem. The work includes:

- 5.2.1 Resolving problems raised by your constituents;
- 5.2.2 Attending council and policy making meetings;
- 5.2.3 Being a member of an area board;
- 5.2.4 Attending Town and Parish council meetings in your division;
- 5.2.5 Representing the council on outside bodies.

5.3 Members who have additional regulatory, licensing or scrutiny responsibilities or who are on the Cabinet will be expected to work additional hours.

6. **Timing of meetings**

6.1 Daytime meetings at Trowbridge:

- 6.1.1 Attendance at council meetings four-five times a year;
- 6.1.2 Attendance at Cabinet, quasi-judicial and regulatory meetings when items of interest to the division are under discussion;
- 6.1.3 Approximately two meetings a month.

6.2 Afternoon or evening meetings within an area or on a district basis:

- 6.2.1 Attendance at bi-monthly area boards;
- 6.2.2 Attendance at planning committees and other regulatory committees when items of interest to the division are under discussion;
- 6.2.3 Attendance at town and/or parish meetings;
- 6.2.4 Attendance at meetings of outside bodies, some of these might be in the day
- 6.2.5 Approximately four meetings a month.

7. **Principal roles**

7.1 To champion the division:

- 7.1.1 To represent constituents and to act as the link between them and the council;
- 7.1.2 To keep up-to-date with local concerns, including those of hard to reach groups;
- 7.1.3 To identify and help to resolve local concerns.

7.2 To be a community leader:

- 7.2.1 To mediate fairly and constructively between people and groups with conflicting needs;
- 7.2.2 To create effective partnerships with all sections of the community;
- 7.2.3 To work with partners to build strong and cohesive communities with a long-term vision and direction;
- 7.2.4 Act as the focus for consultation and discussion of local issues.

7.3 To keep in touch with constituents:

- 7.3.1 To communicate regularly with the community using newsletters, emails, phone, or local media and through local surgeries and meetings;
- 7.3.2 To create opportunities to communicate, including hard-to-reach groups;
- 7.3.3 To provide regular feedback.

7.4 To contribute to decision making:

- 7.4.1 By contributing to and informing debate at council meetings;
- 7.4.2 Through membership of a community area board;
- 7.4.3 By influencing and shaping services;
- 7.4.4 By monitoring performance of local services to ensure that they are held to account;
- 7.4.5 By providing for more effective working between the council and partners.

7.5 To fulfil responsibilities as a 'Corporate Parent' for children and young people in the care of the local authority:

- 7.5.1 By having an understanding of the profile and needs of the children in the care of the local authority;
- 7.5.2 By being aware of the impact on looked-after children of all council decisions;
- 7.5.3 By considering whether this would be good enough for their own child;
- 7.5.4 By ensuring that action is taken to address shortcomings in the service and to improve outcomes for looked-after children.
- 7.5.5 By being aware of the work and aims of the Corporate Parenting Panel and, if nominated by a group leader, attend meetings of the Corporate Parenting Panel as a panel member.

7.6 The Council has established a Corporate Parenting Panel, whose role is to secure Member involvement and commitment throughout the council to deliver better outcomes for children and young people who are looked after. The Terms of Reference are attached at Part 11A, and the Terms of Reference of the Safeguarding Children and Young People Panel at Part 11B.

7.7 To represent the council externally by sitting on outside bodies and attending seminars on behalf of the council.

7.8 Unitary Members will be expected to:

- 7.8.1 Commit to a programme of continuing learning and development provided by the council;

7.8.2 Comply with the Council's Code of Conduct and other protocols set out within the Constitution and to maintain the highest; standards of conduct and ethics in the performance of your duties

7.8.3 To acknowledge any enquiries normally within four working days of receipt, and provide a substantive response, where required, within fifteen working days, if possible.

8. **Personal Skills**

8.1 To fulfil the role of an effective unitary Member, candidates should have:

8.1.1 Knowledge of current issues for constituents;

8.1.2 Good advocacy and listening skills;

8.1.3 Good communication, presentation skills, mediation and conflict resolution skills;

8.1.4 Integrity and the ability to set aside own views and act impartially;

8.1.5 Good awareness of equality and diversity issues;

8.1.6 An understanding of the roles of officers and Members;

8.1.7 Knowledge of meetings rules and conventions;

8.1.8 The ability to challenge ideas and contribute positively to policy;

8.1.9 A desire to learn.

EPIC VALUES

Supporting us to build stronger communities



As an organisation we are continually having to adapt to new ways of working to deliver our services to the residents of Wiltshire.

Our values define who we are, what we stand for and how we are expected to work to deliver our priorities.







Whilst we work in different professions and teams, our values are what we have in common. They are there to support us in creating positive ways of working across the organisation regardless of the challenges or changes, or the teams we are working with.

It's about how we respond to colleagues, situations and challenges in our culture of empowering people, innovation and collaboration to deliver our vision of strong communities.

We are all expected to understand what these values mean to us and ensure we reflect on them within our teams.

LIVE·WORK·INNOVATE

Wiltshire Council

EPIC values					
		Trust and respect 	Excellence 	Responsibility 	Engaged leaders
EPIC culture	Empowering people 	We value and encourage others to share their ideas and opinions and trust in their capability to take decisions within their roles.	We focus on developing our skills to empower our colleagues and deliver great services in our communities.	We take responsibility for our actions and ensure we protect the council, we learn from our challenges and share our experiences to continually improve our services.	We give our teams responsibility and trust them to deliver great service. We give our teams the support and encouragement they need and take the time to understand their strengths and how to get the best out of them. We are open and honest and share information and the council's expectations, ensuring there is transparent decision making.
	Innovation 	We respect, consider and value different opinions, perspectives and ideas to drive innovation in our services.	We continually look to identify new creative and commercial opportunities to improve how we work and deliver our services.	We identify and drive digital and creative improvements to ensure that our customers get the best value from our services.	We create an environment where teams can take informed risks and are encouraged to learn and develop. We inspire our teams to find new ways of working to improve the customer experience and to maximise service delivery. We listen and allow everyone to participate, ensuring all voices are heard.
	Collaboration 	We collaborate in an open and honest way, recognising each other's challenges and contributions, and celebrating successes. We are respectful and supportive of each other and work together to find solutions.	We expect and encourage high standards from ourselves and others and share ideas and information to improve the delivery of services in our communities and how we work together.	We share knowledge, constructively challenge and feedback with each other, and take ownership to ensure we all deliver the best outcomes in our communities.	We role model excellent communication and teamwork with other teams and our partners to build effective working relationships in order to deliver a great service and our corporate priorities.

LIVE·WORK·INNOVATE

Wiltshire Council

**Wiltshire Council
Constitution
Part 12B
Wiltshire Council Code of
Conduct Guidance for
Members**

Contents

1. Purpose	3
2. Principles of Public Life	3
3. Application of the Code	4
4. Code of Conduct Guidance	4
5. Registers of Interest	8
6. Declaration of Interests	9
Tables of Interests	
Flowchart on Interests	

Appendix 1 – Social media guidance for Members

Appendix 2 – Openness and transparency on personal interests – a guide for Members

Appendix 3 – Standards and Complaints Assessment Criteria

PART 12B

WILTSHIRE COUNCIL CODE OF CONDUCT GUIDANCE FOR MEMBERS

1. Purpose

- 1.1 This guidance is intended to assist you in meeting your obligations under the Council's Code of Conduct.
- 1.2 You are encouraged to seek advice from the Monitoring Officer if you are unclear about any aspect of the Code or how it applies in your particular situation.
- 1.3 The statutory framework for standards in local government is contained in Part 7 of the Localism Act 2011, which can be found at:
<http://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7/enacted>

2. The Principles of Public Life

2.1 Selflessness

Holders of public office should act solely in terms of the public interest.

2.2 Integrity

Holders of public office 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 disclose and resolve any interests and relationships.

2.3 Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

2.4 Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

2.5 Openness

Holders of public office 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.

2.6 Honesty

Holders of public office should be truthful.

2.7 Leadership

Holders of public office 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.

Part 12B

Last Updated 18 ~~October-2022~~ July 2023

3. Application of the Code of Conduct

- 3.1 The Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Member or attend your first meeting as a Co-opted Member and continues to apply to you until you cease to be a Member.
- 3.2 This Code of Conduct applies to you when you are acting in your capacity as a Member which may include when:
 - 3.2.1 you misuse your position as a Member;
 - 3.2.2 Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Member.
- 3.3 The Code applies to all forms of communication and interaction, including:
 - 3.3.1 at face-to-face meetings;
 - 3.3.2 at online or telephone meetings;
 - 3.3.3 in written communication;
 - 3.3.4 in verbal communication;
 - 3.3.5 in non-verbal communication;
 - 3.3.6 in electronic and social media communication, posts, statements and comments.
- 3.4 You are also expected to uphold high standards of conduct and show leadership at all times when acting as a Member.
- 3.5 The Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the Monitoring Officer on any matters that may relate to your Code of Conduct.

4. Code of Conduct Guidance

- 4.1 This section sets out further guidance relating to your obligations, which are the minimum standards of conduct required of you as a Member. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.
- 4.2 Guidance is included to help explain the reasons for the obligations set out in the Code of Conduct and how they should be followed.
- 4.3 **Respect**
 - 4.3.1 Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Member, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.
 - 4.3.2 In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Members.
 - 4.3.3 In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any

conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow Members, where action could then be taken under the Member Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's Member-Officer protocol.

4.3-14.4 Bullying, harassment, and discrimination

4.4.1 The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. 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 may not always be obvious or noticed by others.

4.4.2 The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

4.4.3 Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

4.4.4 The Equality Act 2010 places specific duties on local authorities. Members have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

4.4.5 An objective test is applied in determining whether conduct amounts to bullying or intimidation; in other words the conduct will be looked at through the eyes of a notional reasonable member of the public with knowledge of all the facts, and who looks at the conduct objectively.

4.3-24.5 Impartiality of officers of the council

4.5.1 Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4.3-34.6 Confidentiality and access to information

4.6.1 Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

4.3.44.7 Disrepute

4.7.1 As a Member, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Members and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

4.7.2 You are able to hold the local authority and fellow Members to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

4.3.54.8 Use of position

4.8.1 Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you must not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

4.3.64.9 Use of local authority resources and facilities

4.9.1 You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a Member.

4.9.2 Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

4.9.3 These are given to you to help you carry out your role as a Member more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

4.3.74.10 Complying with the Code of Conduct

4.10.1 It is extremely important for you as a Member to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

4.10.2 Complaints Procedure

The Council's arrangements for dealing with complaints under the Code of Conduct are set out in Protocol 11 of the Council's Constitution.

4.10.3 Local Assessment Criteria

Complaints under the Code are assessed or reviewed in accordance with the criteria attached at Appendix 3.

4.3-84.11 Interests

4.11.1 Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

4.11.2 You need to register your interests so that the public, local authority employees and fellow Members know which of your interests might give rise to a conflict of interest.

4.11.3 The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable.

4.11.4 You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise.

4.11.5 It is also important that the public know about any interest that might have to be disclosed by you or other Members when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

4.11.6 You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.

4.11.7 The Register of Interests section below sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

4.3-94.12 Gifts and hospitality

4.12.1 In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Member.

4.12.2 -The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered.

4.12.3 However, you do not need to register gifts and hospitality which are not related to your role as a Member, such as Christmas gifts from your friends and family.

4.12.4 It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Member. If you are unsure, do contact your Monitoring Officer for guidance.

4.3-104.13 Taking decisions

4.13.1 The decisions you take whilst undertaking your public duties should be made on an objective basis, using the best information available whilst avoiding discrimination, or bias.

4.13.2 To ensure public confidence in the decision-making process, you should be willing to make the reasons for your decisions, as well as those of Wiltshire Council, publicly available.

4.13.3 Information about why decisions have been taken should only be withheld in cases where there are clear and lawful reasons for doing so. As a holder of public office, you must be accountable for your decisions and actions and must submit yourself to the level of scrutiny commensurate with your position. It is important that the public are able to constructively challenge and express concern about the process by which decisions are made.

4.14 Bias and Predetermination

4.14.1 Decisions, particularly in regulatory matters such as planning and licensing, may be challenged and ruled unlawful on the ground of bias.

4.14.2 The test is whether a fair minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Member was biased.

4.14.3 In particular, under the Council's Code of Conduct for Members, bias would occur if you placed yourself under a financial or other obligation to third parties that might seek to influence you in the performance of your official duties. The rules on registration and declaration of interests are intended to protect Members against allegations of bias and predetermination.

4.14.4 The Localism Act 2011 has clarified the rules on predetermination. Predetermination occurs where someone has a closed mind so that they are unable to apply their judgment fully and properly to the issue requiring a decision. This can lead to legal challenges and decisions being set aside.

4.14.5 The Act makes it clear that a Member is not deemed to have had a closed mind on an issue just because they have indicated what view they have taken or may take before the issue is decided. A Member is not, for example, prevented from participating in discussion of an issue or voting on it if they have campaigned on the issue or made public statements about their approach to it.

4.14.6 The general position, however, remains that, whatever their views, Members must approach their decision-making with an open mind in the sense that they must have regard to all material considerations and must be prepared to change their views if persuaded that they should.

4.14.7 Whether or not there is actual or apparent bias or predetermination is a question of fact to be considered in each case. Where this may be an issue for a Member advice should be sought at an early stage and in any event before the decision concerned is made.

5. Register of Interest

5.1 Your registration of personal interests should be guided by your duty to act in conformity with the Principles of Public Life.

5.2 The rules on registering and declaring interests are intended to promote openness and transparency to give the public confidence that councillors are putting the public interest first and are not benefiting their own financial affairs from being a councillor.

5.3 You should consider your obligations in respect of registering and declaring interests within this context. As a general rule, if you are in any doubt about your situation you should

register or declare an interest. This provides openness and transparency, protects the public interest, the local authority's decision and your own position.

- 5.4 Your register of interests is a public document available on the Council's web site and should contain sufficient details to ensure that the nature of your interest is clear to members of the public. In the case of an interest in land this should include a sufficient description of the land to enable it to be identified.
- 5.5 Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.
- 5.6 "**Disclosable Pecuniary Interest**" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.
- 5.7 "**Partner**" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.
- 5.8 You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
- 5.9 A 'sensitive interest' is as an interest which, if disclosed, could lead to the Councillor, or a person connected with the Councillor, being subject to violence or intimidation.
- 5.10 Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Declaration of Interests at Meetings

- 6.1 This section sets out actions which must be taken if a matter arises at a meeting in which you have a Disclosable Pecuniary Interest (DPI), Other Registerable Interest (ORI), or Non-Registerable Interest (NRI).
- 6.2 There may be occasions where you have an interest which does not fall into any of the categories above, such as if you have previously expressed opinions or campaigned on an issue, or being acquainted with persons or groups relevant to the matter, without being a close associate.
- 6.3 You are encouraged to consider whether it is appropriate to declare such an interest at a meeting in the interests of openness and transparency.
- 6.4 If making such a declaration you would not be prevented from remaining in the room, participating, or voting, unless you considered it would be appropriate in the circumstances in accordance with the principles of conduct in public life.

~~6.5~~ 6.5 ~~Non-participation in case of d~~Disclosure of Disclosable Pecuniary Interests
Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest.

~~6.6~~ 6.6 ~~You must and~~ not participate in any discussion or vote on the matter and must not remain in the room ~~for the entirety of the item~~ unless you have been granted a dispensation.

~~6.7~~ 6.7 If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest.

~~6.4.6.8~~ 6.4.6.8 Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

~~5.4.6.9~~ 6.9 Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet Member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

~~6.10~~ 6.10 Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests as set out in **Table 2**, you must disclose the interest.

~~6.5.6.11~~ 6.11 You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter ~~and must not remain in the room~~ unless you have been granted a dispensation. You must withdraw from the meeting in your capacity as a councillor but may remain in the room, unless you consider it appropriate to leave the room in the circumstances in accordance with the principles of conduct in public life.

~~6.6~~ 6.12 If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of non-registerable interests

~~6.13~~ 6.13 Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest.

~~6.14~~ 6.14 You may speak on the matter only if members of the public are also allowed to speak at the meeting. ~~Q, but~~ otherwise you must not take part in any discussion or vote on the matter ~~and must not remain in the room~~ unless you have been granted a dispensation. You must withdraw from the meeting in your capacity as a councillor but may remain in the room, unless you consider it appropriate to leave the room in the circumstances in accordance with the principles of conduct in public life.

~~5.3.6.15~~ 6.15 If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

~~5.4.6.16~~ 6.16 Where a matter arises at a meeting which affects rather than directly relates to:

~~5.4.16.16.1~~ 6.16.1 your own financial interest or well-being and is not a Disclosable Pecuniary Interest set out in Table 1;

~~5.4.26.16.2~~ 6.16.2 a financial interest or well-being of a relative or close associate; or

Commented [EK1]: As detailed in Protocol 4, not being able to speak even as a member of the public, was the position of the government in its guidance on the Act, in the 'Openness and Transparency on Personal interests'.

The Monitoring Officer has confirmed the council takes a strict interpretation of what constitutes a Disclosable Pecuniary Interest, given the potential criminal sanctions involved. That is, the matter being discussed/determined must be *about* the DPI, not simple relating to it in some way, which might be a lesser form of interest

Other interests would not have to leave the room under these changes

Commented [EK2]: This would mean people have to make declarations, and have to have a dispensation to vote (not to include town or parish council membership), but can remain for discussion, debate and vote - and can speak in any public section.

Town and parish council membership not included - see table 2 - only that it be declared.

Withdraw in capacity as a councillor was the standard from the old code

Commented [EK3]: So wording is consistent with the above. Eg it is the planning application of an old business associate.

'Withdrawing in your capacity as a councillor' mirrors pre Oct 2022 wording

Commented [EK4]: To draw attention to the distinction from above - affects could mean a planning application which impacts on your own property, but is not a DPI as it is not *about* your property

~~5.4.36.16.3~~ a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

~~5.5.16.17~~ Where a matter (referred to in paragraph ~~5.4.36.16~~ above) affects the financial interest or well-being:

~~5.5.16.17.1~~ to a greater extent than it affects the financial interests of the majority of inhabitants of the ~~ward~~ Division for which you have been elected or otherwise of the authority's administrative area affected by the decision and;

~~5.5.26.17.2~~ a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. ~~but~~ otherwise you must not take part in any discussion or vote on the matter ~~and must not remain in the room~~ unless you have been granted a dispensation. You must withdraw from the meeting in your capacity as a councillor but may remain in the room, unless you consider it appropriate to leave the room in the circumstances in accordance with the principles of conduct in public life.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

6.18 You may participate, vote and remain in the room if the matter does not affect the financial interest or wellbeing set out in the tests at Paragraphs 6.17.1 and 6.17.2. The provisions of the Localism Act 2011, as summarised at Paragraph 4.14, should be taken into account in any such assessment.

Cabinet

~~5.6.18~~ Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet Member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Table 1 – Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Commented [EK5]: Adapted from Durham Code - more precise in the event of a non-local decision

Commented [EK6]: So wording is consistent with the above.

Commented [EK7]: For avoidance of doubt - ie if a reasonable member knowing the facts would not think it would affect your view of the wider interest, you can participate.

Basically this bookends the opening section about voluntary declarations

Table 1: Disclosable Pecuniary Interests

Subject	Description
Employment, office, trade, profession 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 council) made to the Councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Councillor, or towards his/her 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 made between the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) 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>

Table 1: Disclosable Pecuniary Interests

Subject	Description
Land and property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the Councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the Councillor, or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the Councillor's knowledge) has a place of business or land in the area of the council; 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 Councillor, or his/ her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* '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.

Table 2 – Other Registerable Interests

You must register as an Other Registerable Interest:

- a) Any unpaid directorships;
- b) Any body of which you are a member or are in a position of general control or management, and to which you are nominated or appointed by your authority;
- c) 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) of which you are a member or in a position of general control or management.

Membership of a City, Town, or Parish Council must be included on your register as an interest in accordance with c)i) above. This must be declared at any meeting which relates to it.

However, other provisions relating to Other Registerable Interests at paragraph 6 shall not apply, and you may participate fully and vote without a dispensation, and remain in the room, unless you consider it appropriate not to do so in the circumstances in accordance with the principles of conduct in public life.

Commented [EK8]: To apply in effect a blanket dispensation on Members for being members of a town or parish council.

They would need to declare their membership at a meeting where it was relevant, and would then state whether they intended to participate or vote or leave the room.

This reverts to the previous position of being able to participate unless they decide otherwise - the only difference being 'must' declare rather than 'should'

Flowchart on Interests

Commented [EK9]: Adapted from Briefing Note 23-05, to align to proposed new position on leaving the room etc

