

Member Code of Conduct

(Adopted by Council, 23 October 2012)

1. This Code is adopted, pursuant to Section 27(2) of the Localism Act 2011, to give force to the Council's statutory duty, under Section 27(1) of the Act, to promote and maintain high standards of Conduct by Councillors and co-opted members of the authority.
2. This Code is not intended to be an exhaustive list of all the obligations placed on Councillors and co-opted members of this authority. It is your responsibility to comply with the following provisions of this Code as well as other legal obligations beyond the scope of this Code.
3. It shall be a defence to an allegation that you have failed to comply with the Code if you can demonstrate that your conduct was reasonable in all the circumstances.

4. GENERAL PRINCIPLES

- 4.1 This Code is based on and consistent with the following seven Principles which are set out in Section 28 of the Localism Act 2011, and which were originally set out by the Nolan Committee on Standards in Public Life:

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.

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 the 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.

- 4.2 In following these principles, you must be aware of the laws that confer special obligations on Councillors and co-opted Members, as set out in **Appendix 1**.
- 4.3 You should also follow the guidance for compliance with the General Principles and the Code of Conduct, as set out in **Appendix 2**.

5. DEFINITIONS

5.1 This Code applies to all:

- a) Councillor members of this authority, and
- b) co-opted members of this authority

when you are acting in your role as a Councillor/ co-opted member. This includes when you are acting on authority business and / or ward business, representing the Council, or carrying out the business of an office to which you have been appointed by the Council, such as Leader, Lead Councillor or Committee Chair.

5.2 A “co-opted member” for the purpose of this Code, as defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

5.3 A reference to a “Meeting” shall include reference to a meeting of -

- a) the Council or of any committee, sub-committee, joint committee or joint sub-committee of the authority;
- b) the Executive or a Committee of the Executive of the authority,

and shall include reference to any meeting convened for a briefing from an officer or for a site visit, but shall not include any party group meeting when not being briefed by an officer of the authority.

6. GENERAL OBLIGATIONS FOR MEMBERS AND CO-OPTED MEMBERS

6.1 When acting in your role as a Councillor or co-opted member of the authority:

- (1) **Do** comply with the Member Code of Conduct, the Council’s constitution and other protocols adopted by the authority in addition to this Code in respect of Member conduct, including:
 - (a) Planning Code of Conduct
 - (b) Protocol on Member / Officer relations
 - (c) Council Publicity and Elections
 - (d) Social Media Protocol
- (2) **Do** treat others with respect.
- (3) **Do** ensure that you are aware of and comply with the requirements which the Bribery Act 2010 places on you in your role as a Member and on the Council as a whole.
- (4) **Do not** do anything which may cause the authority to breach any of the equality enactments (as defined in Section 33 of the Equality Act 2006(a)). This means that you must not discriminate against people on grounds of race, gender, disability, religion or belief, sexual orientation and age.
- (5) **Do not** bully any person.
- (6) **Do not** do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority.
- (7) **Do not** use your position as a Member improperly for personal gain or to advantage other people.
- (8) **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—

- a) you have the consent of a person authorised to give it;
- b) you are required by law to do so;
- c) 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
- d) the disclosure is—
 - (i) reasonable and in the public interest; and
 - (ii) made in good faith and in compliance with the reasonable requirements of the authority
- (9) **Do not** prevent another person from gaining access to information to which that person is entitled by law.
- (10) **Do not** make vexatious or malicious complaints against other persons.

6.2 When making decisions on behalf of or as part of the authority:

- (1) **Do** have regard to any relevant advice provided to you by the Council's Chief Financial Officer and Monitoring Officer where such advice is offered pursuant to their statutory duties.
- (2) **Do** give reasons for the decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority.
- (3) **Do** consult with the Monitoring Officer where there is doubt about the authority's powers to act; or whether the action proposed lies within the policy framework of the authority; or where the legal consequences of action or failure to act by the authority might have important repercussions.
- (4) **Do** consult with the Chief Finance Officer where there is doubt about the authority's ability to fund an action; or whether the action proposed lies within the budget framework of the authority; or where the financial consequences of action or failure to act by the authority might have important repercussions

6.3 When using or authorising the use by others of the resources of the authority:

- (1) **Do** act in accordance with the authority's reasonable requirements including the requirements of the authority's ITC policy and the policies and procedures listed in the Council's constitution which you are deemed to have read;
- (2) **Do** make sure that such resources are not used improperly for political purposes (including party political purposes); and
- (3) **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- (4) **Do not** improperly use knowledge gained solely as a result of your role as a member for the advancement of your disclosable pecuniary interests.

7. REGISTRATION AND DISCLOSURE OF INTERESTS BY COUNCILLORS AND CO-OPTED MEMBERS

7.1. Disclosable Pecuniary Interests

- 7.1.1 Under the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, you will have a disclosable pecuniary (financial) interest in any business of the authority which falls within any of the following categories:

- (a) Any employment, office, trade, profession or vocation carried out by you for gain

- (b) Any payment or provision or any other financial benefit (except from the authority) made or provided to you in the preceding 12 months in respect of expenses incurred by you in carrying out your duties as a Member or towards your election expenses
- (c) Any person or body which, to your knowledge, has a place of business or land in the authority's area, and in which 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 (1%) of the total issued share capital of that body
- (d) Any contract for goods, services or works made between the authority and you, or a firm in which you are a partner, or a corporate body in which you are a Director, or where you have a beneficial interest in the securities of that firm or corporate body.
- (e) Any land, licence or corporate tenancy in the authority's area in which you have a beneficial interest
- (f) Any land where the landlord is the authority and the tenant is a firm in which you are a partner, or a company of which you are as remunerated Director, or a person or body specified in (c) above
- (g) Any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer

7.1.2 You will also have a disclosable pecuniary interest which you must register if the above interests are held by a "relevant person" as described by the 2012 Regulations and Section 30(3) of the Localism Act 2011. A "relevant person" is:

- Your 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

7.2. Registration of Interests

7.2.1 You must register in writing any disclosable pecuniary interest that you, and/or your spouse or partner, have in a public Register of Members' Interests maintained by the authority's Monitoring Officer under Section 29 of the Localism Act 2011, within 28 days of:

- (a) this Code being approved by the authority;
- (b) your election or appointment to office as a Member;
- (c) your becoming aware of the existence of the interest;
- (d) Your disclosing the existence of an interest that you have not previously registered at a meeting of the authority.

7.2.2 You must register any new or changed pecuniary interest held by you, or your spouse or partner, with the Monitoring Officer, in writing, within 28 days of your becoming aware of the new or changed interest.

7.3 Non-Pecuniary Interests

7.3.1 The Localism Act 2011 does not place a duty on Members to register non-pecuniary interests. However, you are actively encouraged to register and declare any non-financial interests held by

you or your spouse or partner, in the interests of transparency and to avoid allegations of personal bias.

7.3.2 In particular you are actively encouraged to register the following interests:

- (a) membership, or holding a position of general control or management, of a body or bodies to which you have been appointed or nominated by the authority
- (b) membership or holding a position of general control or management of any body that:
 - exercises functions of a public nature
 - is directed to charitable purposes
 - one of whose principle purposes includes the influence of public opinion or policy (including any political party or trades union)
- (c) any body or person from whom you have received a gift or hospitality with an estimated value of at least £25.

7.4 Declaration of Interests at Meetings

- 7.4.1 You should declare any interest that you and/or your spouse or partner hold, under 7.1 and 7.3 above, which relates to or is likely to affect an item of Council business being transacted at any meeting of the authority at which you are present.
- 7.4.2 In the interests of transparency, openness and the avoidance of bias, you should also declare any pecuniary interest, under 7.1 above, which relates to or is likely to affect an item of Council business being transacted at any meeting of the authority at which you are present, that is held by a member of your family or the family of your spouse or partner, or by a person with whom you or your spouse or partner have a close association.
- 7.4.3 Under Section 31(4) of the Localism Act 2011, any Members who are aware that they have a disclosable pecuniary interest in an item of business being considered at a meeting at which they are present may not participate in the discussion, or vote, on the item of business at the meeting.
- 7.4.4 If you declare that you have a pecuniary interest which relates to or is likely to affect an item of Council business being transacted at a meeting of the authority at which you are present, you may make representations, answer questions and give evidence on the item of business, subject to there being equivalent public speaking rights, but you may not participate in the discussion or vote on the item of business, and you should leave the meeting before any discussion on the item of business takes place at the meeting and before the vote on the item of business is taken.
- 7.4.5 You should declare the interest as soon as you become aware of it at the meeting. Each public meeting will have a “Declaration of Interests” item at the start of its agenda.
- 7.4.6 You should declare both the existence of an interest, and details of the interest. All declared interests will be recorded in the minutes of the meeting.
- 7.4.7 If you realise that you, and/or your spouse/partner, have a disclosable pecuniary interest in an item of business at a meeting which you have not previously registered, then you must both declare the interest at the meeting and then give written notice to the Monitoring Officer, within 28 days of the meeting, of the existence and nature of the interest, for inclusion in the authority’s published register.

7.5 Declaration of Interests by Single Members

- 7.5.1 Members who, by virtue of any office that they hold on behalf of the authority, are in a position to take decisions on behalf of the authority, are bound by the same requirements as in 7.4 above, and in this respect you should:

- (a) Make a public declaration of any interest that you, and/or your spouse or partner, have in any item of business of the authority that they are considering; and
- (b) Not consider or take a decision on any item of business in which you, and/or your spouse/partner, have a disclosable pecuniary interest.

7.6 Sensitive Interests

- 7.6.1 This applies to a situation where a Member considers that the disclosure of the details of your interest - including that of your spouse or partner - could lead to you, or a person connected with you, being subject to violence or intimidation.
- 7.6.2 In such circumstances you should share your concerns with the authority's Monitoring Officer. If the Monitoring Officer agrees with you, s/he will not include details of the interest in the authority's Register of Interests, but may state that you had registered an interest the details of which had been withheld under Section 32(2) of the Localism Act 2011.
- 7.6.3 Similarly, if the Monitoring Officer has accepted that you have a sensitive interest under Section 32 of the Localism Act 2011, you should declare the existence of the interest at any meeting at which you are present but you need not declare the details of the interest.

7.7 Dispensations

- 7.7.1 The authority may grant a dispensation to Members who have a disclosable pecuniary interest in an item of business being conducted at a meeting of the authority at which they are present, to allow them to participate in the discussion and vote on the item of business.
- 7.7.2 In such cases, you must make a written request for a dispensation to the Monitoring Officer, who will put the request before the Standards Committee. Under Section 33(2) of the Localism Act 2011, a dispensation may only be granted where the Monitoring Officer and the Committee consider, having had regard to all relevant circumstances, that:
 - (a) without the dispensation the number of persons prohibited from taking part in the item of business would be so great a proportion of the meeting as to impede the transaction of the business
 - (b) without the dispensation the representation of different political groups at the meeting would be so upset as to alter the likely outcome of any vote relating to the item of business
 - (c) granting the dispensation is in the interests of persons living in the authority's area
 - (d) each member of the authority's executive would be prohibited from participating in any particular business to be transacted by the authority's executive
- 7.7.3 The Standards Committee will grant a dispensation for a specified period of time, which may not exceed four years.
- 7.7.4 The Monitoring Officer has a delegated authority, under Section 33 of the Localism Act 2011, to grant a dispensation from the restrictions in Section 31(4) of the Act, which would allow Members of the authority with a disclosable pecuniary interest to take part and vote on decisions in the following prescribed circumstances:
 - (i) housing, where the Member is a tenant of the authority provided that those functions do not relate particularly to their tenancy or lease;

- (ii) school meals or school transport and travelling expenses, where the Member is 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 the Member is in receipt of, or is entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to Members;
- (v) any ceremonial honour given to Members; and
- (vi) setting Council Tax or a precept under the Local Government Finance Act 1992;
- (vii) any other business which might reasonably be regarded as affecting the financial position of the Member and/or his/her spouse or partner to a greater extent than the majority of other Council Tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

and the general dispensation would apply for four years, subject to it being renewed each year at the Annual Council Meeting.

7.8 Sanctions

7.8.1 Under Section 34 of the Localism Act 2011 Members will be committing an offence if you:

- (a) fail, without reasonable excuse, to register or declare a disclosable pecuniary interest (7.1)
- (b) participate in any discussion or vote on an item of business in which you have such an interest (7.4)
- (c) register or declare false or misleading information, or are reckless as to whether the information is true or misleading

7.8.2 Such offences will be heard in court, on a prosecution initiated by the Director of Public Prosecutions. The penalties available to the court are:

- (a) a fine of up to £5,000
- (b) disqualification from being a Member of the authority, or any other authority, for up to 5 years

7.9 Registration of Gifts and Hospitality

7.9.1 If you receive any gift or hospitality over the value of £25 in your role as a Member of the authority, you must provide written notification to the Monitoring Officer within 28 days of the existence and nature of that gift or hospitality. The Monitoring Officer will record this in a gift book, and will publish details of all gifts and hospitality registered by Members each year to the Council's Standards Committee.

Reading Borough Council
Standards Committee
12 July 2012

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Laws conferring special obligations on Councillors and co-opted Members

Bribery Act 2010

Localism Act 2011

Data Protection Act 1998

Freedom of Information Act 2000

Employment Rights Act 1996

Local Government Act 1972

Equality enactments including

- the Equal Pay Act 1970 (c. 41),
- the Sex Discrimination Act 1975,
- the Race Relations Act 1976,
- the Disability Discrimination Act 1995,
- the Employment Equality (Sexual Orientation) Regulations 2003
- the Employment Equality (Religion or Belief) Regulations 2003
- the Employment Equality (Age) Regulations 2006
- the Equality Act 2006 and regulations made under this Act

Guidance on Compliance with the General Principles

1. As Councillors or co-opted members of Reading Borough Council, we have a responsibility to represent local people and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.
2. When acting in this capacity we are committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

SELFLESSNESS

- We will champion the needs of our residents and put their interests first.
- We will take representations from our residents seriously and not allow other pressures, including our own financial interests, to deter us from pursuing casework or otherwise advocating for our electors in order to achieve a result.

INTEGRITY

- We will not compromise our position by placing ourselves under obligations to outside individuals or organisations who might seek to influence the way we perform our duties as Councillors/co-opted members of this authority.

OBJECTIVITY

- We will listen to the interests of all parties, remain objective and make decisions on merit, for example when making public appointments, awarding contracts, or recommending individuals for rewards and benefits.

ACCOUNTABILITY

- We will be bold in taking decisions and be accountable for them when scrutinised internally and externally, including by our residents.

OPENNESS

- We will make our decisions as open and transparent as possible to enable our residents to understand the reasoning behind them and be informed when holding us to account for them.
- We will only restrict information when the wider public interest or the law clearly demands it.

HONESTY

- We will act in accordance with all our legal obligations as outlined in Appendix 1, as well as any requirements contained within the Council's constitution, policies and procedures.

LEADERSHIP

- We have a duty to provide leadership and accountability for public services which may require us to champion our residents' interests with other organisations as well as the council's own departments.
- We will value our colleagues and staff and lead by example by seeking always to treat people we work alongside with respect.

