

Part 5.3 - Councillor Code of Conduct

East Lindsey District Council ('the Council') have adopted this Code setting out the expected behaviours required of its Members - whether elected or co-opted, acknowledging that they each have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all. The Council is under a duty to promote and maintain high standards of conduct by both elected and co-opted members of the Council. The Council expects such Members to discharge their duties in line with the General Principles of Public Life set out in this Code.

In accordance with the Localism Act 2011 ('the Act') when acting in their official capacityⁱ all Councillors must be 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 the Council. For clarification, the Code of Conduct does not apply to what Councillors do in their private lives.

It is the personal responsibility of each Councillor to comply with the Code and to seek advice from the Monitoring Officer in any cases of doubt that may arise in respect of such compliance.

GENERAL PRINCIPLES OF PUBLIC LIFE

You should only behave in a way that is consistent with the following principles:-

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 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. This is in addition to any duty to declare and/or withdraw on account of having a Disclosable Pecuniary Interest.

PERSONAL JUDGEMENT: Councillors may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

RESPECT FOR OTHERS: Councillors should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the Council's Statutory Officers (Chief Executive, Section 151 Officer and the Monitoring Officer) and of all other officers.

DUTY TO UPHOLD THE LAW: Councillors should uphold the law, and on all occasions, act in accordance with the trust that the public is entitled to place in them.

STEWARDSHIP: Councillors should do whatever they are able to do, to ensure that the Council use their resources prudently and in accordance with the law.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example and act in such a way so as to preserve and promote public trust and confidence in public affairs in general and the Council in particular.

GENERAL OBLIGATIONS

1. In addition to the General Principles of Public Life, elected and co-opted Members of East Lindsey District Council are expected to comply with the General Obligations set out below:-

1.1 You must provide lead by personal example when serving the Council and the communities within the District.

1.2 You must treat others with respect and must not discriminate or treat any person unfavourably on account of race, age, gender, disability, sexual orientation or religious belief.

You must not—

(a) do anything which may cause the Council to breach the Equality Act 2010 or any equality law that is subsequently enacted;

(b) bully or be abusive to any person and should treat all people with respect;

(c) intimidate or attempt to intimidate any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with his or her Authority's code of conduct;

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of the Council.

1.3 You must not—

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

- (i) you have the consent of a person authorised to give it;
- (ii) you are required by law to do so;
- (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- (iv) the disclosure is—
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; and/or you have consulted the Monitoring Officer prior to its release
- (b) prevent another person from gaining access to information to which that person is entitled by law.

1.4 You—

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of the Council—
 - (i) act in accordance with your Authority's reasonable requirements (see the Protocol on Officer/Councillor Relations);
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986. A copy of the Code of Recommended Practice on Local Authority Publicity can be found at <http://www.communities.gov.uk/publications/localgovernment/publicitycode2011>

1.5 (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by —

- (a) the Section 151 Officer, or
- (b) the Monitoring Officer,

where those officers are acting pursuant to their statutory duties.

(2) You must give reasons for decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

DISCLOSABLE PECUNIARY INTERESTS

The Act further provides for registration and disclosure of what are termed as 'Disclosable Pecuniary Interests'. In East Lindsey District Council, this will be done as follows:

On taking up office an elected or co-opted Member must, within 28 days of becoming such, notify the Monitoring Officer of any 'Disclosable Pecuniary Interests' as are prescribed by the Secretary of State and set out in the table below.

On re-election or re-appointment, an elected or co-opted Member must, within 28 days, notify the Monitoring Officer of any 'Disclosable Pecuniary Interests' not already included in his or her Register of Members Interests which is lodged with the Monitoring Officer.

It is the personal responsibility of each Member to keep their Register of Members Interests up to date by notifying the Monitoring Officer in writing of any change within 28 days of such a change taking effect.

If an elected or co-opted Member is aware that they have a 'Disclosable Pecuniary Interest' in a matter which is already registered in the Register of Members Interests, they MAY disclose it in the meeting AND in all cases (whether registered in the register or not) they must not participate in any discussion or vote on the matter at a meeting, as to do so is a criminal offence under section 34 of the Localism Act 2011. The Council has adopted Council Procedure Rules requiring a Member or co-opted Member with a Disclosable Pecuniary Interest' to withdraw from the meeting while any discussion or vote on any matter relating to it takes place.

If an elected or co-opted Member is aware of a 'Disclosable Pecuniary Interest' in a matter under consideration at a meeting but such interest is not already on the Council's Register of Interests or in the process of entry onto the register having been already notified to the Monitoring Officer, the elected or co-opted Member MUST disclose the 'Disclosable Pecuniary Interest' to the meeting and register it within 28 days of the meeting at which it is first disclosed.

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a Member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011. Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows:–

Interest	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant Authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of

	the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest

Disclosable Pecuniary Interests – Definitions

Disclosable Pecuniary Interest `means a pecuniary interest defined in the above table if it is an interest of yourself, your spouse/civil partner, a person you live with as husband and wife, or a person you live with as a civil partner if in all cases you are aware the other person has the interest'

Securities `means any beneficial interest in securities of a body where—

(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; 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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose –

“the Act” means the Localism Act 2011;

“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;

“M” means a Member of a relevant Authority; “Member” includes a co-opted Member; “relevant Authority” means the Authority of which ‘M’ is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“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.

Sensitive Interests

If the nature of an interest is such that you AND the Monitoring Officer consider that disclosure of the details of your interest could lead you or a person connected with you, being subjected to violence or intimidation, the interest must not be included in any published version of the Register of Members Interests, and must not be entered onto a copy of the register that is kept for public inspection. In such instances the published register may state that the detail of such an interest is withheld under section 32(2) of the Localism Act 2011. In the event that the Member discloses such an interest at any meeting, the Member shall be obliged only to confirm that a disclosable pecuniary interest in any matter exists, rather than giving the detail thereof.

OTHER INTERESTS

(1) In addition to the disclosable pecuniary interests notifiable under the Localism Act 2011, you must, within 28 days of -

- (a) this Code being adopted by or applied to your Authority; or
- (b) your election or appointment to office (where that is later),

notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the description set out in paragraph (2) below for inclusion in the Register of Interests:

(2) You have a personal interest which is likely to affect: -

- (a) **membership of**, or in a position of general control, a trustee of, or participate in the management of, any body directed to charitable purposes.

(3) You must, within 28 days of becoming aware of any new interest or change to any interest registered under paragraph 2 above notify the Monitoring Officer of the details of that new interest or change.

In accordance with the General Principles of Public Life enshrined within the Code of Conduct, (in particular the principles of Honesty and Openness) elected and co-opted Members are required to declare at any meeting any personal interest (other than and in addition to any Disclosable Pecuniary Interest) (whether it be an interest in any land, contract, proposed contract, business, membership of any club or body that is considered to be relevant to any matters under discussion). The Member will then wish to consider whether any person who was in full knowledge of the facts would consider that interest as likely to prejudice their judgement of the public interest, and if he/she so concludes, shall refrain from debate and voting on the matter and shall withdraw from the room (including the public gallery) whilst the matter is being debated.

Whilst not obligated to do so, any member is able to request that their entry in the Register of Members of Interests be updated by the Monitoring Officer so as to include any interests that would not constitute a Disclosable Pecuniary Interest.

Members are advised to seek advice and clarification from the Monitoring Officer in cases of doubt.

Gifts and Hospitality

You are required to notify the Monitoring Officer in writing of any single gift, hospitality (or offer of the same) with an estimated value of £25 or more within 28 days so that the details can be recorded in the Register of Members Gifts and Hospitality. No notification is required in the event that such matters arise in relation to family members.

If a matter comes before the Council in relation to the above, then the Member must declare any such gift, hospitality (or offer of the same) at the meeting that the matter arises, and consider in all the circumstances whether it is appropriate to take part in debate on the matter and vote, having regard to the principles set out in this Code of Conduct and the importance of perception in protecting the reputation of and confidence within public affairs generally and East Lindsey District Council in particular. Appropriate advice should be sought from the Monitoring Officer on such occasions.

Breach of the Code of Conduct

A decision of the Council will not be invalidated just because something that occurred in the process of decision making involved a failure to comply with this Code.

Any complaint relating to an alleged failure to observe the Code, shall be dealt with by the Monitoring Officer in accordance with the Monitoring Officer Protocol.

Dispensations

Any elected or co-opted Member may request in writing (to the Monitoring Officer) to be granted a dispensation relieving them from the restriction of not participating in or voting upon any matter in which they have a Disclosable Pecuniary Interest. Such dispensations will only be granted by the Monitoring Officer if in accordance with section 33 Localism Act 2011.

Criminal Offences

A Member commits a criminal offence if, without reasonable excuse, the Member:

- Fails to comply with the duty upon them to notify the Authority's Monitoring Officer, within 28 days of becoming a Member or co opted Member, of any Disclosable Pecuniary Interest which the person had at the time when the notification was given
- Fails to disclose a Disclosable Pecuniary Interest, which has not been entered on the Authority's register, at a meeting where they are present and aware that they have a Disclosable Pecuniary Interest in any matter to be considered at the meeting
- Fails to notify the Monitoring Officer of any such interest disclosed at a meeting within 28 days of making the disclosure
- Participates in any discussion or vote on a matter at a meeting when they are aware that they have a Disclosable Pecuniary Interest in the matter (subject to any formal dispensation having been granted)
- Fails to comply with the following obligations:

In any case where a function of the Council may be discharged by a Member of the Authority acting alone and the Member is aware that they have a Disclosable Pecuniary Interest in any matter to be dealt with, or being dealt with, by the Member in the course of discharging that function, but that interest is not entered in the Authority's register and is not the subject of a pending notification, the Member

- (i) 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 otherwise than by themselves)
 - (ii) must notify the Monitoring Officer of any such interest within 28 days of becoming aware that they have a Disclosable Pecuniary Interest in the matter
- Knowingly or recklessly provides information which is false or misleading in relation to the notification of a Disclosable Pecuniary Interest the penalty for the commission of any such offence will be a fine of up to £5,000 and in addition the Court may disqualify the offender for a period of up to five years from being a Member or co-opted Member of the Council or any other relevant Authority.

¹You act as a member of the Council in an official capacity when you conduct their business through correspondence or meetings (formal and informal) site visits, briefings and group meetings and outside bodies, when you speak to the public including members of the electorate within the District, or otherwise give the impression that you are so acting. A member appointed to an Outside Body must comply with this Code UNLESS they are bound by another code of conduct from a statutory body to which they are appointed, OR unless in cases of a company directorship/trustee they owe their first duty to the outside body (in accordance with the Protocol for Councillor Representation on Outside Bodies in the Constitution).