

PRESCOT TOWN COUNCIL



CODE OF CONDUCT FOR ELECTED MEMBERS AND CO-OPTED MEMBERS

PART 1

GENERAL

1. Introduction

- 1.1 This Code of Conduct was adopted by Prescot Town Council on 18 July 2012 (and updated on 17 May 2013) in accordance with Section 27 and 28 of the Localism Act (2011).
- 1.2 The Council has a statutory duty under the Localism Act to promote and maintain high standards of conduct by Elected Members and Co-opted Members and the Code sets out the standards which the Council therefore expects such Members to observe. You are a representative of this Authority and the public will view you as such; therefore, your actions impact on how the Authority as a whole is viewed and your actions can have both positive and negative impacts on the Authority.
- 1.3 This Code applies to you when you act in your role as a Member of this Authority. It is your responsibility to comply with the provisions of this Code. Any failure to observe this Code may result in:-
 - (a) a complaint against you which would be dealt with in accordance with the Council's standards framework and could result in the application of a sanction; and,
 - (b) a criminal conviction and a fine of up to £5,000 and/or disqualification from office for a period of up to 5 years in the event of a failure to take appropriate action in respect of any disclosable pecuniary interests (see Part 2 of this Code).
- 1.4 Your obligation to observe the provisions of this Code includes an expectation that you:
 - (a) comply with any request from the Monitoring Officer to assist with the handling of a complaint or a formal standards investigation in accordance with the borough's adopted complaints handling procedure; and
 - (b) do not submit vexatious, trivial, or malicious allegations against other Members.

2. Interpretation

2.1 In this Code:-

“the Act” means the Localism Act (2011);

“meeting” means any meeting of:-

- (a) the Authority;
- (b) the Executive of the Authority;
- (c) any of the Authority’s or its Executive’s Committees, Sub-Committees, Joint Committees or Area Committees;

(whether or not the press and public are excluded from the meeting in question by virtue of a resolution of Members);

“relevant Authority” means Prescot TownCouncil; and,

“Member” includes Elected Members, Voting Co-Opted Members and Appointed Members.

2.2 The descriptions of interests in paragraph 2.1 of Part 2 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 Member gives a notification for the purposes of Section 30(1) or Section 31(7), as the case may be, of the Act;

“relevant person” means Member or any other person referred to in Section 30(3)(b) of the Act; and,

“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.

2.3 In paragraph 6.2 of Part 2, a relevant person is:-

- (i) a member of your family or any person with whom you have a close association;
- (ii) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (iii) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or,
- (iv) any body of a type described in paragraph 6.1 (i) or (ii) of Part 2.

3. General Obligations

3.1 This Code is based upon the “Nolan Principles” - the seven principles of public life. Accordingly, when acting in your capacity as a Member, you must have regard to 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 which 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 which 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.

3.2 When acting in your role as a Member of the Authority, you must:-

- (a) treat others with respect, this includes avoiding behaviour that might be considered to be bullying or harassment, as defined in section 3.5 below;
- (b) act in accordance with the Authority's reasonable requirements (including the requirements of the Authority's approved policies and the policies attached to the Authority's Constitution), copies of which have been provided to you and which you are deemed to have read;
- (c) ensure that, when you are using the resources of the Authority, you do not do so improperly for political purposes (including party political purposes); and,
- (d) have regard to any applicable Local Authority Code of Publicity made under the Local Government Act (1986).

3.3 When acting in your role as a Member of the Authority, you must not:-

- (a) conduct yourself in a manner which is contrary to the Authority's duty to promote and maintain high standards of conduct of Members;
- (b) 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 legal advice provided that the third party agrees not to disclose the information to any other person; or,
 - (iv) the disclosure is-
 - reasonable and in the public interest; and,
 - made in good faith and in compliance with the reasonable requirements of the Authority; and,
 - you have consulted the Monitoring Officer prior to its release; and,

- (c) prevent another person from gaining access to information to which that person is entitled by law.

3.4 When acting as a nominated representative of the Authority:-

- (a) on another relevant authority, you must, when acting for that other authority, comply with that authority's code of conduct.
- (b) on any other body, you must, when acting for that other body, comply with Knowsley's Code of Conduct, except and so far as it conflicts with any other lawful obligations to which that other body may be subject.

3.5 With regards to section 3.2(a) above, bullying and harassment are completely unacceptable and, where proven, will be considered to be a breach of this Code. For this purpose, they may be defined as follows:-

Bullying may be characterized as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour, or an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone.

Harassment is unwanted conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the individual.

PART 2
INTERESTS

1. General

1.1 You must, within 28 days of this Code being adopted by, or applied to, your Authority or your election or appointment to office (where that is later), notify the Monitoring Officer in writing:–

- (a) of your disclosable pecuniary interests which are notifiable under the Act and The Relevant Authorities (Disclosable Pecuniary Interest) Regulations (2012) for inclusion in the Register of Interests; and,
- (b) of the details of your other personal interests, where they fall within the descriptions set out in section 6 below, for inclusion in the register of interests; and,

Thereafter, as soon as reasonably possible after becoming aware of any new disclosable or personal interests or change to any disclosable or personal interests, give written notification of such change to the Monitoring Officer.

1.2 As a public figure, your public role may at times overlap with your personal and/or professional life and interests. However, when performing your public role as a Member, **DO** act solely in terms of the public interest and **DO NOT** act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests.

1.3 Certain types of decisions, including those relating to a permission, licence, consent or registration for yourself, your friends, your family members, your employer or your business interests, are so closely tied to your personal and/or professional life that your ability to make a decision in an impartial manner in your role as a Member may be called into question and this may in turn raise issues about the validity of the decision of the Authority. **DO NOT** become involved in these decisions any more than a member of the public in the same personal and/or professional position as yourself is able to be and **DO NOT** vote in relation to such matters.

2. Disclosable Pecuniary Interests

2.1 A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, 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) within the following descriptions:-

Subject	Prescribed 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 relevant Authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a Member, or towards the election expenses of the Member.</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 in which the relevant person has a beneficial interest) and the relevant Authority:-</p> <p>(a) under which goods or services are to be provided or works are to be executed; and,</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the 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	<p>Any tenancy where (to the Member's knowledge):-</p> <p>(a) the landlord is the relevant Authority; and,</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>

Securities

Any beneficial interest in securities of a body where:-

- (a) that body (to the Member'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.

3 Non-Participation in Disclosable Pecuniary Interests

3.1 If you are present at a meeting, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting:-

- (a) You may not participate in any discussion of the matter at the meeting;
- (b) You may not participate in any vote taken on the matter at the meeting;
- (c) If the interest is not registered, you must disclose the interest to the meeting; and,
- (d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

3.2 Council Procedure Rules require that you must disclose the interest at the meeting and leave the room where the meeting is being held while any discussion or voting takes place.

3.3 Where an Executive Member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to

be dealt with by her/him, the Executive Member must notify the Monitoring Officer of the interest and must not take any further steps in the matter.

4. Offences

4.1 It is a criminal offence to:-

- (a) Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election;
- (b) Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the Register;
- (c) Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest which is not on the Register which you have disclosed to a meeting;
- (d) Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest;
- (e) As an Executive Member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, fail to notify the Monitoring Officer within 28 days of the interest; and,
- (f) Knowingly or recklessly provide information which is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

4.2 The criminal penalties available to a Court in relation to the above offences are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a Councillor for up to 5 years.

5. Dispensations

The Monitoring Officer may grant you a dispensation in accordance with the agreed criteria, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest. Any such requests must be raised with the Monitoring Officer in advance of the meeting.

6. Personal Interests

6.1 You have a personal interest in any business of your Authority where it relates to or is likely to affect:-

- (i) any body of which you are a Member or in a position of general control or management and to which you are appointed or nominated by your Authority;
- (ii) any body:-
 - (a) exercising functions of a public nature;
 - (b) directed to charitable purposes; or,
 - (c) 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.

6.2 You also have a personal interest in any business of your Authority:-

- (i) where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council taxpayers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision, or,
- (ii) it relates to or is likely to affect any of the interests you have registered as a disclosable pecuniary interest.

7. Disclosure of Personal Interests

7.1 Where you have a personal interest (as described in paragraphs 6.1 or 6.2 above) in any business of your Authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of your Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

7.2 Where you have a personal interest but, by virtue of paragraph 11 below, sensitive information relating to it is not registered in your Authority's Register of Members' Interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

- 7.3 Where you have a personal interest in any business of your Authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

8. Non-Participation in Certain Personal Interests

- 8.1 Where you have a personal interest in any business of your Authority, you must consider if this is also an interest that could be deemed as prejudicial.

- 8.2 If you have a personal interest in any business of your Authority, you also have a prejudicial interest in that business where:

the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest; and

where that business:-

- (a) affects your financial position or the financial position of a person or body described in paragraphs 6.1 or 6.2 above; or,
 - (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 6.1 or 6.2 above.
- 8.3 Subject to paragraphs 8.5 and 8.6 below, where you have a prejudicial interest in any business of your Authority:-
- (a) You may not participate in any discussion of the matter at the meeting;
 - (b) You may not participate in any vote taken on the matter at the meeting;
 - (c) If the interest is not registered, you must disclose the interest to the meeting; and,
 - (d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.
- 8.4 Council Procedure Rules require you must disclose the prejudicial interest at the meeting and, subject to paragraphs 8.5 and 8.6 below, leave the room where the meeting is being held while any discussion or voting takes place on that item.

- 8.5 Where you have a prejudicial interest in any business of your Authority, you may attend a meeting, but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose (whether under a statutory right or otherwise) and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- 8.6 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of your Authority in respect of:-
- (a) housing - where you are a tenant of your Authority, provided that those functions do not relate particularly to your tenancy or lease;
 - (b) school meals or school transport and travelling expenses - where you are 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;
 - (c) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act (1992) - where you are in receipt of, or are entitled to the receipt of, such pay;
 - (d) an allowance, payment or indemnity given to Members;
 - (e) any ceremonial honour given to Members; and,
 - (f) setting council tax or a precept under the Local Government Finance Act (1992).

The Monitoring Officer may also grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a personal and prejudicial interest.

- 8.7 Where, as an Executive Member, you may discharge a function alone, and you become aware of a prejudicial interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any further steps in the matter, or seek improperly to influence a decision about the matter.

9. Interests Relating to Overview and Scrutiny Functions

9.1 In relation to any business before an Overview and Scrutiny Committee of the Authority (or of a Sub-Committee of such a Committee), where:-

- (a) that business relates to a decision made (whether implemented or not) or action taken by your Authority's Executive or another of your Authority's Committees, Sub-Committees, Joint Committees or Joint Sub-Committees; and,
- (b) at the time the decision was made or action was taken, you were a Member of the Executive, Committee, Sub-Committee, Joint Committee or Joint Sub-Committee mentioned in paragraph 9.1(a) above and you were present when that decision was made or action was taken; or,
- (c) that business relates to a decision made (whether implemented or not) or action taken by you (whether by virtue of the Authority's Constitution or under delegated authority from the Leader):-

you may attend a meeting of the Overview and Scrutiny Committees of your Authority or of a Sub Committee of such Committees, but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purposes (whether under a statutory right or otherwise).

10. Register of Interests

Any interests notified to the Monitoring Officer will be included in the Register of Interests. A copy of the Register will be available for public inspection and will be published on the Authority's website.

11. Sensitive Interests

Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the Register, copies of the Register which are made available for inspection and any published version of the Register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

PART 3

OTHER CONSIDERATIONS

1. **Gifts and Hospitality**

- 1.1 There are a number of considerations to be taken into account where gifts and hospitality are concerned. The nature of the offer in terms of value and the motivation of the person making the offer are the two main issues. If any form of gift or hospitality is offered to you, it is important that any suggestion of improper influence is avoided and propriety and transparency is demonstrated to the public at all times. In most instances, the refusal of the gift or hospitality will be the most prudent course of action.
- 1.2 Should a gift or hospitality over the value of £25 or frequent gifts of lesser values from the same person/organisation be accepted, you must within 28 days of receiving the gift or hospitality provide written notification to the Monitoring Officer of the existence and nature of that gift or hospitality.

2. **Pre-Determination or Bias**

- 2.1 Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life, you should not be prohibited from participating in a decision in your role as Member. However, you should never place yourself under any financial or other obligation to outside individuals or organisations which might seek to influence you in the performance of your official duties.
- 2.2 Furthermore, when making a decision, you must consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken. When you are expressing your opinions before a decision is made on such matters, you need to be conscious that the expression of prior views may be taken into account in establishing whether you have maintained an open mind in determining a matter. On this basis, you are advised to exercise a considerable amount of caution when expressing prior views and, where necessary, to seek advice from the appropriate officers of the Council.