

STOCKTON-ON-TEES BOROUGH COUNCIL

CODE OF CONDUCT
FOR MEMBERS

UNDER THE LOCALISM ACT 2011

INTRODUCTION

1. On the 18 July 2012 Stockton-on-Tees Borough Council (“the Council”) adopted (in place of the Council’s existing code) a new Code of Conduct for Members (“Code”) under Section 27(2) of the Localism Act 2011.
2. The Council’s new Code is attached, together with an unenforceable preamble, containing the general principles (“the General Principles of Conduct”) formerly prescribed by the Secretary of State in the Relevant Authorities (General Principles) Order 2001. On the 11 December 2013 the Council agreed that the descriptions of some of the General Principles of Conduct should be updated to reflect the revised version of the descriptions to the Nolan Principles approved and published by the Committee on Standards in Public Life. The preamble and the General Principles of Conduct are included for information purposes only.
3. Inter alia the Code includes a general obligation on Members not to do anything which may cause the Council to breach any of the equality enactments (as defined in Section 33 of the Equality Act 2006) eg the Sex Discrimination Act 1975, the Race Relations Act 1976 and the Disability Discrimination Act 1995.
4. This Introduction does not form part of the Council’s Code.

PREAMBLE

FOR INFORMATION ONLY

GENERAL PRINCIPLES OF CONDUCT

PREAMBLE

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

SELFLESSNESS

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

HONESTY AND INTEGRITY

Holders of public office should be truthful and should 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 declare and resolve any interests and relationships.

OBJECTIVITY

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

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.

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.

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 authority's statutory officers and its other employees.

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 their authorities use their resources prudently and in accordance with the law.

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 change poor behaviour wherever it occurs.

NOTE: THIS PREAMBLE AND THE GENERAL PRINCIPLES OF CONDUCT SPECIFIED WITHIN IT ARE FOR INFORMATION ONLY, AND THEY DO NOT FORM A PART OF THE COUNCIL'S CODE FOR ENFORCEMENT PURPOSES.

STOCKTON-ON-TEES BOROUGH COUNCIL

("the Council")

CODE OF CONDUCT FOR MEMBERS

Part 1

General Provisions

Introduction and Interpretation

1. (1) This Code applies to **you** as a member of the Council when you are acting in that capacity.

(2) This Code is based upon and is intended to be consistent with the General Principles of Conduct specified in the preamble.

(3) It is your responsibility to comply with the provisions of this Code.

(4) This Code does not cover matters in respect of which the Secretary of State may under the Act specifically provide that criminal sanctions will apply.

Interpretation

2. (1) In this Code--

"the Act" means the Localism Act 2011

"meeting" means any meeting of—
 - (a) the Council;
 - (b) the executive of the Council;
 - (c) any of the Council's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;
"the executive of the Council" and "executive" means the Cabinet

"member" includes a co-opted member and an appointed member.

"co-opted member" means any person who is a member of any committee or sub-committee of the Council, but is not one of its elected members.

General Conduct

3. (1) You must treat others with respect.

(2) You must not do anything which may cause the Council to breach any of the equality enactments (as defined in Section 33 of the Equality Act 2006).

- (3) You must not bully any person and you must not intimidate or attempt to intimidate any person who is involved in any complaint about any alleged breach of this Code.
 - (4) You must not do anything which compromises or is likely to compromise the impartiality of anyone who works for or on behalf of the Council.
 - (5) You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council, or your office as a member of the Council, into disrepute.
 - (6) You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person any advantage or disadvantage.
4. When using or authorising the use by others of the resources of the Council:-
- (1) You must act in accordance with the Council's reasonable requirements.
 - (2) You must ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (3) You must have regard to any Local Authority Code of Publicity made under the Local Government Act 1986.
5. You must not prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law.
6. You must not disclose information which is given to you in confidence, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, unless:-
- (a) you have the consent of a person authorised to give it; or
 - (b) you are required by law to do so; or
 - (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 reasonable, in the public interest, made in good faith, and made in compliance with the reasonable requirements of the Council.
7. Where you have been involved in the making of any decision or the taking of any action by the executive of the Council, any of the Council's or its executive's committees, sub-committees, joint committees, joint sub-committees or area committees, which is subsequently subject to scrutiny by the Executive Scrutiny Committee or a select committee of the Council, you must not take part in that scrutiny process other than for the purpose of answering questions or giving evidence relating to the business.
8. (1) When making decisions on any matter you must have regard to any relevant advice provided to you by:-

- (a) the Council's chief finance officer; or
- (b) the Council's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

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

Part 2

Interests

Registration of Members' Interests

9. Subject to paragraph 12, you must register in the Council's register of members' interests ("Register") information about your personal interests. For the purposes of paragraphs 9 to 15 inclusively ' your personal interests' or 'personal interest' means:-

(a) any 'disclosable pecuniary interest' (as specified at the Appendix to this Code or as defined by any statutory provisions in force from time to time under the Act) which you know about and which is held by

- you, or
- 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; and

(b) any other interests held by you as set out in paragraph 11.

10. You must register information about your personal interests by giving written notice to the monitoring officer, who maintains the Register, within 28 days of:-

- this Code being adopted by the Council;
- your election or appointment as a member of the Council; and of
- becoming aware of any new interest or change to any registered interest.

11. You have a personal interest in any business of the Council and for the purposes of paragraph 9(b) where either it relates to or is likely to affect:--

(a) 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 the Council;

(b) any body which:-

(i) exercises functions of a public nature or

(ii) is 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);

Sensitive Information

- 12.** Where you think that disclosure of the details of any of your personal interests could lead to you, or a person connected with you, being subject to violence or intimidation, you may inform the monitoring officer; and if the monitoring officer agrees, a note will be made in the Register to the effect that you have a personal interest, details of which are withheld under Section 32 of the Act .

Declaration of Interests

- 13.** Where you attend a meeting and you are, or ought reasonably to be, aware that any of your personal interests are relevant to an item of business which is being considered, then you must disclose to that meeting the existence and nature of that interest at the start of the consideration of that item of business, or when the interest becomes apparent, if later.
- 14.** Where you have a personal interest in any business of the Council which relates to or is likely to affect a body of a type described in paragraph 11(a) and 11(b)(i), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- 15.** Where you have a personal interest but, by virtue of paragraph 12, sensitive information relating to it is not registered in the Register, you must indicate to the meeting that you have a personal interest, but you need not disclose the sensitive information to the meeting.
- 16.** Where you attend a meeting, and you are, or ought reasonably to be, aware that a decision in relation to any item of business which is to be transacted might reasonably be regarded as affecting your well being or financial position, or the well being or financial position of a person described in paragraph 17, to a greater extent than most of the inhabitants of the area affected by the decision, then you must disclose to that meeting the existence and nature of that interest at the start of that item of business, or when the interest becomes apparent, if later.
- 17.** The persons referred to in paragraph 16 are:-
- (a) a member of your family;
 - (b) any person with whom you have a close association;
 - (c) in relation to persons described in (a) and (b), their employer, any firm in which they are a partner, or a company of which they are a director;

- (d) any person or body in whom persons described in (a) and (b) have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (e) any body of a type described in paragraph 11 (a) and (b).

Non participation

18. Where you have a personal interest of the type described in paragraph 16 in any business of the Council, and 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 the business:-

- (a) affects your financial position or the financial position of a person or body described in paragraph 17(a) to (e) inclusively; or
- (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body referred to in the preceding sub-paragraph (a),

then subject to paragraphs 19 and 20:-

- (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.

19. Where you have an interest of the type described in paragraph 18 in any business of the Council, you may attend the meeting and make representations, answer questions or give evidence relating to that business before the business is considered and voted upon, provided the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

20. Subject to disclosing the interest at the meeting, you may attend a meeting, participate in any discussion and vote on a matter in which you have such an interest, where that interest relates to the functions of the Council in respect of:-

- (a) housing, where you are a tenant of the Council 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 those functions relate 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 a member;
- (e) any ceremonial honour given to a member; and
- (f) setting council tax or a precept under the Local Government Finance Act 1992.

Disclosable Pecuniary Interests

- 21.** In addition to the requirements of the Act regarding the registration and declaration of a disclosable pecuniary interest, you must also comply with the statutory requirements relating to withdrawal from participating in any discussion or voting on any matter in which you have a disclosable pecuniary interest.

Requirement to leave a meeting room

- 22.** You must comply with any procedural rule or standing order adopted by the Council which requires a member to leave the room during any meeting at which a matter in which they have a disclosable pecuniary interest is being discussed.

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 (SI 2012 No. 1464) 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 benefits 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:- <ul style="list-style-type: none"> (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):- <ul style="list-style-type: none"> (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest

Securities

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.