

22. Members' Code of Conduct

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22.1 The Members' Code of Conduct

The Council adopted a code of conduct for members at the full Council meeting on 23rd May 2012. The code as adopted is annexed to this section of the Constitution (Annex 1). Any complaints made in relation to this code will be considered by the Monitoring Officer in accordance with the Council's Code of Conduct Complaint Handling Arrangements (Annex 2).

22.2 Does the code apply when Councillors represent the Council on another body?

When Councillors are representing the Council on another body, they must follow the code unless it conflicts with a legal duty of the other body.

22.3 Social Media

The Council has agreed a Social Media Protocol to provide guidance to Councillors on the use of social media. The protocol is annexed to this section of the Constitution (Annex 3).

22.4 Intimidation

Councillors must not intimidate or try to intimidate anyone who is likely to:

- complain about the code being broken or
- act as a witness in relation to an investigation of a breach of the Code.
- be involved in dealing with a complaint.

22.5 Declaring Interests

(a) What interests must Councillors declare?

Councillors must declare the interests the members' code of conduct requires them to declare. The code requires councillors to declare disclosable pecuniary interests.

(b) What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to a councillor's employment; sponsorship (ie. payment for expenses incurred by the councillor in carrying out their duties as a councillor or towards their election expenses); contracts; land in the Council's area; licences for land in the Council's area; and corporate tenancies; and securities. These declarations must be recorded in each Councillor's Register of Interests which is publicly available on the Council's website. Disclosable pecuniary interests that must be declared are not only those of the councillor her or himself but also those of the councillor's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

(c) When must a member register a disclosable pecuniary interest?

- Within 28 days of taking office as a councillor
- For interests not shown on the register, within 28 days of declaring that interest at a meeting

(d) Declaring an interest

Where any matter disclosed in a councillor's Register of Interest is being considered at a meeting, the councillor must declare that he or she has an interest. The councillor should also disclose the nature as well as the existence of the interest.

If the councillor has a disclosable pecuniary interest, after having declared it at the meeting he or she must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

(e) Dispensation

The Council may grant general dispensations applicable to all Councillors. The standards committee may grant dispensation to speak or vote on a matter at a meeting where a Councillor has a disclosable pecuniary interest. The Monitoring Officer has delegated authority to grant individual dispensations (Part 9.4(g)). But unless dispensation has been granted the provisions of (d) above apply.

Under section 33 of the Localism Act 2011 the following dispensations were granted for four years from 1 October 2022:

- Determining an allowance (including special responsibility allowances), travelling expense, payment or indemnity given to Members
- Housing: where the Member (or spouse or partner) holds a tenancy or lease with the Council as long as the matter does not relate to the particular tenancy or lease of the Member (their spouse or partner);
- Housing Benefit: where the Councillor (or spouse or partner) receives housing benefit;
- Any Ceremonial Honours given to Members;
- Setting the Council Tax or a precept under the Local Government and Finance Act 1992 (or any subsequent legislation); and

- Setting a Local Council Tax Reduction Scheme or Local scheme for the payment of business rates (including eligibility for rebates and reductions) for the purposes of the Local Government Finance Act 2012 (or any subsequent legislation).

22.6 Members' code of conduct and public perception

Even if a councillor does not have a disclosable pecuniary interest in a matter, the members' code of conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that a member "must not place yourself in situations where your honest and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

22.7 Sensitive information

Information about a Councillor's interests is sensitive if making it public would be likely to create a serious risk of violence or intimidation to the Councillor or someone they live with. Councillors do not have to include information in the register of interests if the Monitoring Officer agrees that it is sensitive. If a Councillor finds out that the information has stopped being sensitive, they must tell the Monitoring Officer within 28 days and ask for it to be included in the register.

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