

Appendix1

Proposed Amendments

For consideration at Standards Committee 14 March 2019

**COUNCILLORS CODE  
OF CONDUCT**

~~(Wyre Code of Conduct  
adopted by the Council on 6 September 2012  
in compliance with the Localism Act 2011).~~

# COUNCILLORS CODE OF CONDUCT FOR WYRE FROM 1 JULY 2012

## Part 1:

### General Provisions and Obligations

**1.1** ~~You are~~ As a member or co-opted member of ~~the~~ Wyre Borough Council ~~and hence you shall~~ you must have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

~~Accordingly, when acting in your capacity as a member or co-opted member:~~

**1.2** Accordingly, when acting in your capacity as a member (or when you claim to act, or give the impression you are acting in your capacity as a member or when you are acting as a representative of the Council on another body):

- (a) ~~—~~ — You must uphold and have respect for the law.
- (b) ~~—~~ — You must treat others with respect.
- (c) ~~—~~ — You must have due regard, to advice provided by the Council's officers, particularly any advice given by the Chief Finance Officer, the Monitoring Officer or their Deputy's and the Head of the Paid Service.
- (d) ~~—~~ — You must respect others and not bully or intimidate any person or attempt to bully or intimidate them (\*see advisory note). This includes not intimidating or attempting to intimidate any person who is, or is likely to be, a complainant, a witness or to be involved in the administration of proceedings, meetings or hearings, relating to an allegation that a councillor (including yourself) has failed to comply with the code of conduct.
- (e) ~~—~~ — You must not disclose confidential information unless: you have the consent of a person authorised to give it; you are required by law to do so; the disclosure is made to a third party for the purpose of obtaining professional advice, provided that the third part agrees not to disclose the information to any other person; or, there is a clear and overriding public interest in doing so and the disclosure is made in good faith and in compliance with the reasonable requirements of the council and that you have consulted the Monitoring Officer or the Deputy Monitoring Officer prior to its release.
- (f) ~~—~~ — You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
- (g) ~~—~~ — You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- (h) ~~—~~ — When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
- (i) ~~—~~ — You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

- (i) – You must be as open as possible about your decisions and actions and the decisions and actions of your authority and ~~should~~ be prepared to give reasons for those decisions and actions, in accordance with statutory requirements or any additional requirements made by the council.
- (k) – You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in Part 2 below.
- (l) – You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes).
- (m) – ~~and y~~ You must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- (n) – You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.
- (o) – You must be clear when communicating with the media or speaking in public that you do not give the impression you are acting in an official capacity when you are not. Nor should you express your own views in a way which misleads anyone reading or listening that it is official or agreed policy or position of the Council when it is your own personal view or those of a political party or group of people which you are a member
- You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council in to disrepute.

\*Advisory note on bullying

Bullying can include behaviour, which is inappropriate, unwelcome or offensive and which makes an individual or group feel, undermined, hurt, humiliated or insulted. It can have a damaging effect on a victim's confidence, capability and health. Inappropriate behaviour, even if not intentionally malicious, may amount to bullying if the impact is, or could be perceived to be, significant. Bullying conduct can involve behaving in an abusive or threatening way, or making allegations about people in public, in the company of their colleagues, through the press or social media. It may happen once or be part of a pattern of behaviour, although minor isolated incidents are unlikely to be considered bullying, particularly if there is not an imbalance of power or status between the perpetrator and the victim. Bullying does not include criticisms, comments or other actions that are delivered in an appropriate manner and in an appropriate arena which can reasonably be considered to be part and parcel of the hurly burly of political life.

**PART 2:****REGISTERING AND DECLARING INTERESTS****2. Registering Interests**

- 2.1** You must, within 28 days of taking office as an elected member or co-opted member, notify the Council's Monitoring Officer of any ~~d~~**Disclosable Pecuniary Interest (DPI)** as defined by Regulations made by the Secretary of State, where the interest is yours, your spouse's or civil partner's, or somebody with whom you are living with as a husband or wife, or as if you were civil partners. **(Listed in Appendix A)**
- 2.2** In addition, you must, within 28 days of taking office as a member or co-opted member, notify the Monitoring Officer of any disclosable interests which the Council has decided should be included in the register. **(Listed in Appendix B)**
- ~~**2.3** If an interest has not been entered onto the Council's register, then you must disclose the interest to any meeting of the authority at which you are present, where you have a disclosable interest (as listed in Appendix A or B) in any matter being considered and where the matter is not a 'sensitive interest'<sup>1</sup>. Subsequently you must notify the Monitoring Officer of the interest within 28 days of the date of the meeting.~~
- 2.34** You must also notify the Monitoring Officer within 28 days of any new interests listed in Appendix A or B or any changes to those interests already notified/registered.
- 2.5** Any interests notified to the Monitoring Officer will be included in a register of interests, which will be available for public inspection and will be published on the Council's website, unless it is a 'sensitive interest', as defined in the Localism Act 2011, (i.e. the nature of the interest is such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation).

**Declaration of Disclosable Pecuniary Interests at Meetings (Appendix A),**

- ~~**2.65** You must make a verbal declaration (at the beginning or as soon as you become aware of the interest) of the existence and nature of any Disclosable Pecuniary Interest at any meeting at which you are present where an item of business which affects or relates to the subject matter of the interest is under consideration. Having declared the interest you must comply with the statutory requirement to withdraw from participating in any discussion or consideration of the matter in which you have a DPI. Unless a dispensation<sup>2</sup> has been granted, you must declare the interest and not participate in any~~

<sup>2</sup> ~~A list of dispensations is published on the Council's website.~~

~~discussion of, vote on, or discharge any function related to any matter in which you have a disclosable pecuniary interest as defined by Regulations made by the Secretary of State, as listed in Appendix A.~~ In addition, the Council Procedure Rules require you to leave the room where the meeting is held while any discussion or voting takes place.

**2.7** The Council's Standards Committee may, in limited circumstances, grant you a dispensation to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

**2.8** Following any disclosure of a disclosable pecuniary interest not on the Council's register or the subject of a pending notification, you must notify the Council's Monitoring Officer of that interest as soon as possible and, in any case, within 28 days beginning with the date of the disclosure at the meeting.

### **Declaration of ~~Non- Pecuniary Other~~ Interests at Meetings (Appendix B) or Other ~~Significant Non- Pecuniary~~ Significant Interests**

**2.96** You must also make a verbal declaration at any meeting of the authority at which ~~Where~~ you are present ~~at a meeting of the authority, (including any committee, sub-committee, joint committee or joint sub-committee of the authority or~~ or if you are an executive member discharging a function alone) and you either have an interest ~~either~~ described in Appendix B or any other significant significant non- pecuniary interest<sup>3</sup> which you feel should be declared in the public interest, ~~such interests must be declared to the meeting.~~ A significant non-pecuniary interest might, for example, include one where you anticipate that a decision might reasonably be deemed to benefit or disadvantage yourself, a member of your family or a person with whom you have a close association to a greater extent than the other Council constituents and that interest is not a Disclosable Pecuniary Interest.

**2.107** In such circumstances you must then consider whether your participation in the matter relating to your interest would be reasonable in the circumstances particularly if the interest may give rise to a perception of a conflict of interest and/or is likely to prejudice your judgement.

**2.118** In such circumstances you will be allowed to make representations on the matter being discussed at the meeting, where there is an entitlement for a member of the public to speak, but you must not vote. If there is no entitlement for a member of the public to speak then you must not participate

<sup>3</sup>- ~~A significant significant non- pecuniary interest might include one where you anticipate that a decision might reasonably be deemed to benefit or disadvantage yourself, a member of your family or a person with whom you have a close association to a greater extent than other Council constituents and that interest is not a disclosable pecuniary interest.~~

or vote on the matter being discussed at the meeting. In either case the Council Procedure Rules require you to leave the room where the meeting is held while any discussion or voting takes place.

**2.12** Any declarations of interest made at a meeting will be recorded in the minutes.

## **APPENDIX A**

### **DISCLOSABLE PECUNIARY INTERESTS AS DEFINED BY REGULATIONS**

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. The relevant period is the 12 months ending on the day when you tell the monitoring officer about your disclosable pecuniary interests following your election or re-election, or when you became aware you had a disclosable pecuniary interest relating to a matter on which you were acting alone.
- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
  - under which goods or services are to be provided or works are to be executed; and
  - which has not been fully discharged.
- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) -
  - the landlord is your council or authority; and
  - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where –
  - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
  - (b) either -
    - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - 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 you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

**Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and a fine of up to £5,000 and/or disqualification from office for a period of up to 5 years.**

**APPENDIX B****NON- PECUNIARY~~OTHER~~ DISCLOSABLE INTERESTS WHICH THE COUNCIL HAS DECIDED SHOULD BE INCLUDED IN THE REGISTER**

- Details of 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;
- Details of anybody exercising functions of a public nature, any body directed to charitable purposes or any body 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.
- Details of any gift or hospitality with an estimated value of at least £50 that you have received in connection with your role as a member of the Council, and details of the donor (which will be kept on a separate register and will also be published on the Council's website).