

Section 2 – Councillor Code of Conduct

5.2.1 Introduction

5.2.2 This code has been adopted by the council as required by section 27 of the Localism Act 2011. The Council has a statutory duty to promote and maintain high standards of conduct by members and co opted members of the council. The code sets out the standards that the council expects members to observe.

5.2.3 Who does the code apply to?

5.2.4 The code applies to all members of the council and to all co opted members of any committee, sub committee or joint committee.

5.2.5 When does the code apply?

5.2.6 The code applies whenever a member is acting in his or her capacity as a member, a representative of the council or when they claim to act or give the impression of acting as a member or representative of the council. It does not seek to regulate what members do in their purely private and personal lives, unless such conduct brings the council into disrepute.

5.2.7 What standards of conduct are members required to observe?

5.2.8 When carrying out their role members should always act in accordance with the seven principles of public life, the council's PEOPLE values and the following standards;

	The seven principles of public life	Standards of conduct
A	Selflessness Holders of public office should act solely in terms of the public interest.	A.1 Serve the public A.2 Only take decisions in the public interest A.3 Treat everyone that they deal with equally and with respect and courtesy
B	Integrity Holders of public office must 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.	B.1 Should declare and resolve their interests in accordance with the law and with the provisions of this code of conduct. B.2 Should not place themselves in a position where they either are, or give the appearance that they are, under any financial or other obligation to anyone that might seek to influence them in the performance of their duties as a Member B.3 Should not act or take decisions in order to (or attempt to) confer or secure an advantage, disadvantage, financial gain or other material benefits for themselves, their family or close associations

	The seven principles of public life	Standards of conduct
		<p>B.3 Should declare gifts and hospitality that they are offered whether accepted or not where the value exceeds £10</p> <p>B.4 Maintain confidentiality and not disclose information given to them in confidence.</p>
C	<p>Objectivity Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias</p>	<p>C.1 Act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias</p>
D	<p>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.</p>	<p>D.1 Be accountable to the public for their decisions and actions</p> <p>D.2 Co-operate fully with any scrutiny appropriate to their particular role or office</p> <p>D.3 Act in accordance with the member and officer relations code</p> <p>D.4 Act in accordance with the constitution procedural rules and codes</p> <p>D.5 Do not prevent another person from gaining access to information to which that person is entitled to by law</p>
E	<p>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.</p>	<p>E.1 Be as open as possible about their decisions and actions and should give reason for their decisions and actions</p> <p>E.2 Complete and maintain an up to date register of interests</p> <p>E.3 Do draw attention to any code of conduct interest when performing their duties as a Member</p> <p>E.4 Do not bully, harass, intimidate or attempt to intimidate any person</p>
F	<p>Honesty Holders of public office should be truthful.</p>	<p>F.1 Be truthful</p> <p>F.2 Declare any private interests that relate to their duties as a Member and resolve any such conflict in a way that protects the public interest</p> <p>F.3 Only use the resources of the authority in accordance with the reasonable requirements set out for their use from time to time.</p>
G	<p>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 challenge poor behaviour wherever it occurs.</p>	<p>G.1 Actively promote and robustly support leadership principles</p> <p>G.2 Be willing to challenge poor behaviour wherever it occurs</p> <p>G.3 Never undertake any action which would bring the council, members or officers into disrepute</p> <p>G.4 Never make vexatious, malicious or frivolous complaints against other</p>

	The seven principles of public life	Standards of conduct
		members or anyone who works for, or on behalf of, your authority

5.2.9 Code of conduct interests

5.2.10 Registerable Interests

5.2.11 The monitoring officer will maintain a register of interests which can be inspected at Herefordshire Council, Governance and Democratic Services, 33-35 Union Street, St Peters Square, Hereford, HR1 2HX and found at [Members' Register of Interests](#).

5.2.12 The register of interests contains two schedules. Schedule 1 are interests defined by regulations made under section 30(3) of the Localism Act 2011("the Act"), Schedule 2 are interests that Herefordshire council considers are appropriate to register and disclose.

5.2.13 **Schedule 1 Interests** (defined as disclosable pecuniary interests under the Act) may be amended from time to time by regulation but at 19 May 2017 were¹:-

Employment, office, trade or profession	Any employment, office, trade, profession or vocation carried out 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 a person in carrying out duties as a member, or towards the election expenses of that person
Contracts	Any contract which is made between the relevant person (or body in which the relevant person has a beneficial interest) and the relevant authority- 1. Under which goods or services are to be provided or works are to be executed; and 2. Which has not been fully discharged
Land	Any beneficial interest in land which is within the area of the relevant authority
Licenses	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 the persons knowledge): 1. The landlord is the relevant authority; and 2. The tenant is a body in which the relevant person has a beneficial interest

¹ For further explanation and guidance please see the register of interests form [link]

Securities	<p>Any beneficial interest in securities of a body where:</p> <ol style="list-style-type: none"> 1. That body (to the persons knowledge) has a place of business or land in the area of the relevant authority; and 2. Either:- <ol style="list-style-type: none"> 2.1 The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or 2.2 If the share capital of that body is of more than one class, the total nominal value of the shares in any one class in which the relevant person has a beneficial interest that exceeds one hundredth of the total issued share capital of that class
-------------------	---

5.2.14 Schedule 2 interests are:

<p>Any body of which the member is in a position of general control or management (this does not include general membership or subscription or where the member is appointed or nominated by the council)</p>	<p>Including</p> <p>Any body exercising functions of a public nature</p> <p>Any body directed to charitable purposes</p> <p>Any body whose principle purposes includes the influence of public opinion or policy (including any political party)</p> <p>Any body which is not open to the public without formal membership</p>
<p>Any gifts or hospitality which the member has been offered by virtue of their office (whether accepted or refused) where in excess of £20</p>	
<p>Trade Union membership</p>	

5.2.15 Other declarable interests

5.2.16 If a matter to be considered affects the welfare or financial position (positively or negatively) of the member, a member of their family, and or a close personal associate to a greater extent than others in the member's ward: then there is a requirement to declare such an interest.

5.2.17 Where a member has a registrable or other interest as detailed above the following applies:

What is the interest?		Do I have to complete the form and register?	Do I have to declare this interest?	When do I disclose the interest?	Can I participate?	Can I vote?	Do I have to leave the room?
Schedule 1		✓ Yes Within 28 days of: <ul style="list-style-type: none"> • election • re-election • disclosing in a meeting a previously undisclosed interest • becoming aware of any change or new interests 	✓ Yes verbally At a meeting ✓ Yes Where making a decision either as an individual member or collectively ✓ Yes When acting in the capacity of a member <u>If the interest is in the matter being considered</u>	As soon as you are aware that you have an interest ²	X No ³	X No	✓ Yes
Schedule 2		✓ Yes As for schedule 1 interests above	✓ Yes As for schedule 1 interests above	As soon as you are aware that you have an interest	X No	X No	✓ Yes
Other declarable interests	Welfare	X no	✓ Yes As for schedule 1 interests above	As soon as you are aware that you have an interest	✓ Yes	✓ Yes	X no
	Financial	X no			✓ No	X no	X no

² Unless the monitoring officer has determined that the interest is a sensitive one

³ Unless a dispensation has been granted by the monitoring officer or at an audit and governance committee meeting as appropriate

