

CODE OF CONDUCT

NON-VOTING REPRESENTATIVES

EFFECTIVE FROM 2006

**(Adopted by resolution at a meeting of
Bury Metropolitan Borough Council 2006)**

NOTES:-

The Council includes co-opted members from a wide range of community and voluntary groups within its decision making processes. A co-opted member has, in general, no voting rights (there are limited exceptions to this for denominational and parent governor representatives dealing with education matters and co-opted members on other non-Executive committees such as Standards and Audit. Members and co-opted members with voting rights are obliged to sign up to the statutory Code of Conduct. As a matter of best practice the Council considers that this Code should apply to all other representatives participating in the Council's decision making.

This is a non-statutory Code of Conduct

The statutory Code of Conduct applies to Councillors and voting co-opted members on non-Executive Committees, Scrutiny Commissions/Panel and Standards and Audit Committees.

Authorisation

The code was approved by the Council on 2006.

INTRODUCTION

The Council has adopted a Code of Conduct in accordance with Section 51 of the Local Government Act 2000. It applies to Councillors and co-opted members of committees who have voting rights.

The Council has now adopted this Code of Conduct to apply to other representatives.

Written Undertaking

All co-opted members to whom this Code applies must sign an undertaking to observe the Code within two months of its adoption by the Council.

All co-opted members to whom this Code applies must undertake to observe the Code before acting as a co-opted member.

They cannot act until they have signed it.

The Purpose of the Code

The Code defines the standards of conduct which will be required of co-opted members in carrying out their duties, and in their relationships with the Council and the Council's officers. The Code represents the standards against which the public, their fellow members and the Council's Standards Committee will judge their conduct.

Any person may make a written complaint to the Council's Monitoring Officer that a co-opted member has acted in breach of the Code, which will secure the investigation of the complaint. **The Standards Board for England cannot investigate breaches of this Code.**

The Council's Standards Committee

The Standards Committee for the Council comprises elected and independent members.

Further details about the Committee can be obtained from:-

David Hanson
Head of Democratic Services
Bury Metropolitan Borough Council
Town Hall
Knowsley Street
Bury
BL9 OSW

Telephone: 0161-253 5131
Fax: 0161-253 5132
E-mail: d.hanson@bury.gov.uk

The Monitoring Officer for the Council is:-

Jayne Hammond
Director of Legal and Democratic Services
Bury Metropolitan Borough Council
Town Hall
Knowsley Street
Bury
BL9 OSW

Telephone: 0161-253 5237
Fax: 0161-253 6091
E-mail: j.m.hammond@bury.gov.uk

Registration of Gifts and Hospitality

Co-opted Members are required to register details of the offer and receipt of gifts and hospitality over the value of £25.00 received from persons who have, or may seek to have, dealings with the Council (an example might be if you were going to be participating in a decision involving the person who made the offer). Notification should be given to the Monitoring Officer and this should identify:-

- a) the date of the receipt or offer;
- b) who made it;
- c) the nature of the gift or hospitality; and
- d) whether you accepted it.

Inspection of the Register

The Register will be available for inspection by members of the public at the above address on Mondays to Fridays (excluding Public Holidays) between 9.00 am and 4.30 pm.

CODE OF CONDUCT

1.0 PRINCIPLES OF THE CODE

1.1 The principles which underline this Code are:

Selflessness

Co-opted members should serve only the public interest and should never improperly confer an advantage or disadvantage on each other or any person.

Honesty and Integrity

Co-opted members should not place themselves in official situations where their honesty and integrity may be questioned. They should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

Co-opted members should make decisions on merit including making appointments, awarding contracts or recommending individuals for rewards or benefits.

Accountability

Co-opted members should be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

Co-opted members should be as open as possible about their actions and those of their authority and should be prepared to give reasons for those actions.

Respect for Others

Co-opted members 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. Co-opted members should also respect the impartiality and integrity of the Authority's statutory officers and its other employees.

Duty to Uphold the Law

Co-opted members should uphold the law and on all occasions act in accordance with the trust that the public is entitled to place in them.

Stewardship

Co-opted members should do whatever they are able to do to ensure that the Authority has used its resources prudently and in accordance with the law.

Leadership

Co-opted members should promote and support these principles by leadership and by example and should always act in a way that secures or preserves public confidence.

2.0 SCOPE

2.1 In this code, “member” includes a non-voting co-opted member of a Committee, Sub-Committee, Scrutiny Commission/Panel or Area Board.

2.2 Members must observe the Council’s Code of Conduct whenever they

- (a) conduct the business of the authority;
- (b) conduct the business of the office to which they have been appointed;
or
- (c) act as a representative of the authority;

and references to a member’s official capacity shall be construed accordingly.

2.3 The Code of Conduct shall not, apart from paragraphs 3.3 and 3.4 below, have effect in relation to the activities of a Member undertaken other than in an official capacity.

2.4 Where a Member acts as a representative of the authority

- (a) on another relevant authority, he/she must, when acting for that other authority, comply with that other authority’s code of conduct; and
- (b) on any other body, he/she must, when acting for that other body, comply with the Council’s Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3.0 GENERAL OBLIGATIONS

3.1 A Member must

- (a) promote equality by not discriminating unlawfully against any person;
- (b) treat others with respect; and

- (c) not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf, of the authority.

3.2 A Member must not

- (a) disclose information given to him/her in confidence by anyone, or information acquired which he/she believes is of a confidential nature, without the consent of a person authorised to give it, or unless he/she is required by law to do so: nor
- (b) prevent another person from gaining access to information to which that person is entitled by law.

3.3 A Member must not in his/her official capacity, or any other circumstances, conduct himself/herself in a manner which could reasonably be regarded as bringing his/her office or authority into disrepute.

3.4 A Member

- (a) must not in his/her official capacity, or any other circumstances, use his/her position to improperly confer on or secure for himself/herself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use of others of the resources of the authority
 - (i) act in accordance with the authority's requirements; and
 - (ii) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive, to the discharge of the functions of the authority or of the office to which the member has been elected or appointed.

3.5 A Member must when reaching decisions

- (a) have regard to any relevant advice provided to him by
 - (i) the Authority's Director of Finance and E-Government acting in pursuance of the postholder's duties under section 114 of the Local Government Finance Act 1988 and
 - (ii) the authority's Monitoring Officer acting in pursuance of the postholder's duties under section 5(2) of the Local Government and Housing Act 1989; and
- (b) give the reasons for those decisions in accordance with the Council's requirements.

3.6 A Member must, if he/she becomes aware of any conduct by another member which he reasonably believes involves a failure to comply with the Council's

Code of Conduct, make a written allegation to that effect to the Standards Board for England as soon as it is practicable for him/her to do so.

4.0 INTERESTS

4.1 Personal Interests

A Member must regard himself/herself as having a personal interest in any matter if the matter relates to an interest in respect of which notification must be given under paragraphs 5.1.1 and 5.1.2 below, or if a decision upon it might reasonably be regarded as affecting to a greater extent than other council tax payers, ratepayers or inhabitants of the Council's area, the well-being or financial position of himself/herself, a relative or a friend or

- (a) any employment or business carried on by such persons;
- (b) any person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
- (d) any body listed in sub-paragraphs (a) to (e) of paragraph 5.3 below in which such persons hold a position of general control or management.

4.2 In this Code

- (a) "relative" means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, a child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and
- (b) "partner" in paragraph 4.2(a) above means a member of a couple who live together.

4.3 Disclosure of Personal Interests and Prejudicial Interests

4.3.1 A Member with a personal interest in a matter who attends a meeting of the Council at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

4.3.2 Subject to paragraph 4.3.3 below, a Member with a personal interest in a matter also has a prejudicial interest in that matter if 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 the member's judgement of the public interest.

4.3.3 A Member may regard himself/herself as not having a prejudicial interest in a matter if that matter relates to:

- (a) another relevant authority of which he/she is a member;
- (b) another public authority in which he/she holds a position of general control or management;
- (c) a body to which he/she has been appointed or nominated by the authority as its representative;
- (d) the housing functions of the authority where the member holds a tenancy or lease with a relevant authority provided that he/she does not have arrears of rent with the relevant authority of more than two months, and provided that those functions do not relate particularly to the member's tenancy or lease;
- (e) the functions of the authority in respect of school meals, transport and travelling expenses, where the member is a guardian or parent of a child in full time education, unless it relates particularly to the school which the child attends.
- (f) the functions of the authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992(a), where the member is in receipt of, or is entitled to the receipt of such pay from a relevant authority; and
- (g) the functions of the authority in respect of an allowance or payment made under sections 173 to 176 of the Local Government Act 1972(b) or section 18 of the Local Government and Housing Act 1989(c).

4.4 Overview and Scrutiny Committees

4.4.1 For the purposes of this section, a member must if he/she is involved in the consideration of a matter at a meeting of a Scrutiny Panel/Commission of the Council or a sub-group of such a Panel/Commission, regard himself/herself as having a personal and a prejudicial interest if that consideration relates to a decision made, or action taken, by another of the authority's

- (a) committees or sub-committees; or
- (b) joint committees or joint sub-committees

of which he/she may also be a Member.

4.4.2 But paragraph 4.4.1 above shall not apply if that member attends that meeting for the purpose of answering questions or otherwise giving evidence relating to that decision or action.

4.5 Participation in Relations to Disclosed Interests

4.5.1 Subject to paragraph 4.5.2 below, a Member with a prejudicial interest in any matter must:

- (a) withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless he has obtained a dispensation from the Council's Standards Committee;
- (b) not seek improperly to influence a decision about the matter

4.5.2 A Member with a prejudicial interest may, unless the interest is of a financial nature, and unless it is an interest of the type described in section 4.4 above, participate in a meeting of the Authority's

- (a) Scrutiny Panels/Commissions; and
- (b) joint or area committees

to the extent that such Panels/Commissions are not exercising functions of the authority or its executive

4.5.3 For the purposes of this Code, "meeting" means any meeting of

- (a) the Council;
- (b) the Executive of the Council; or
- (c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees.

5.0 THE REGISTER OF MEMBERS' INTERESTS

5.1 Registration of Financial and Other Interests

5.1.1 Within 28 days of the provisions of a Council's Code of Conduct being accepted, a Member must register his financial interests in the Council's register by providing written notification to the Council's Monitoring Officer of:-

- (a) any employment or business carried on by him/her;
- (b) the name of the person who employs or has appointed him/her, the name of any firm in which he/she is a partner, and the name of any company for which he/she is a remunerated director;
- (c) the name of any person, other than a relevant authority, who has made a payment to him/her in respect of his/her election or any expenses incurred by him/her in carrying out his duties.

- (d) the name of the corporate body which has a place of business or land in the authority's area, and in which the member has a beneficial interest in the class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
- (e) a description of any contract for goods, services or works made between the authority and himself/herself or a firm in which he/she is a partner, or company of which he/she is a remunerated director, or a body of the description specified in sub-paragraph (d) above;
- (f) the address or other description (sufficient to identify the location) of any land in which he has a beneficial interest and which is in the area of the authority;
- (g) the address or other description (sufficient to identify the location) of any land where the landlord is the authority and the tenant is a firm in which he/she is a partner, a company of which he/she is a remunerated director, or a body of the description specified in sub-paragraph (d) above; and
- (h) the address or other description (sufficient to identify the location) of any land in the authority's area in which he/she has a licence (alone or jointly with others) to occupy for 28 days or longer.

5.1.2 Other interests for the purposes of this section are membership of or position of general management or control in any:-

- (a) body to which he/she has been appointed or nominated by the authority as its representative;
- (b) public authority or body exercising functions of a public nature;
- (c) company, industrial and provident society (a) charity, or body directed to charitable purposes;
- (d) body whose principal purposes include the influence of public opinion or policy; and
- (e) trade union (b) or professional association.

5.1.3 A Member must within 28 days of becoming aware of any change to the interests specified under paragraphs 5.1.1 and 5.1.2 above, provide written notification to the authority's monitoring officer of that change.