

# The Code of Conduct

## Part 1 General Provisions

### **1. Introduction and Interpretation**

- 1.1. This Code applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a member.
- 1.2. This Code of Conduct applies to you when you are acting in your capacity as a member which may include when:
- (a) you misuse your position as a member;
  - (b) your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a member.
- 1.3. The Code applies to all forms of communication and interaction, including:
- (a) at face-to-face meetings
  - (b) at online or telephone meetings
  - (c) in written communication
  - (d) in verbal communication
  - (e) in non-verbal communication
  - (f) in electronic and social media communication, posts, statements and comments.
- 1.4. It is your responsibility to comply with this Code. Failure to do so may result in a sanction being applied by the Council. 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 five years. In this Code - "meeting" means any meeting of:
- (a) the Council;
  - (b) any of the Council's committees or sub-committees, joint committees or joint sub-committees;
  - (c) the Cabinet or any committee of the Cabinet.
- 1.5. "Member" includes a co-opted member and an appointed member.

## 2. **Scope**

- 2.1. You are also expected to uphold high standards of conduct and show leadership at all times when acting as a member. Subject to sub-paragraphs (2.2) and (2.3), you must comply with this Code whenever you are acting as a member or co-opted member of the Council or an appointed member of a joint committee, and references to your official capacity are construed accordingly.
- 2.2. This Code does not have effect in relation to your conduct other than where it is in your official capacity.
- 2.3. Where you act as a representative of the Council:
  - (a) on another relevant authority, including the Greater Manchester Combined Authority, the , you must, when acting for that other authority, comply with that other authority's code of conduct; or
  - (b) on any other body, you must, when acting for that other body, comply with this Code, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

## 3. **General Obligations**

- 3.1 You will treat councillors and members of the public with respect and treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.
- 3.2 You must not:
  - (a) bring your role or local authority into disrepute.
  - (b) do anything which may knowingly cause the Council to breach the Equality Act 2010 and promote equalities and do not discriminate unlawfully against any person;
  - (c) bully, harass or be abusive to any person;
  - (d) intimidate or attempt to intimidate any person who is or is likely to be:
    - (i) a complainant,
    - (ii) a witness, or
    - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
  - (e) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council;
- 3.3 You must not:

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
- (i) you have the consent of a person authorised to give it;
  - (ii) you are required by law to do so;
  - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
  - (iv) the disclosure is:
    - reasonable and in the public interest; and
    - made in good faith and in compliance with the reasonable requirements of the Council; or
    - you have consulted the Monitoring Officer prior to its release.
- (b) prevent another person from gaining access to information to which that person is entitled by law.
- (c) improperly use knowledge gained solely as a result of my role as a member for the advancement of myself, my friends, my family members, my employer or my business interests.

#### 3.4 You must:

- (a) not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;
- (b) not misuse council resources.
- (c) when using the resources of the local authority or authorising the use by others:-
- act in accordance with the Council's reasonable requirements; and
  - ensure that such resources are not used improperly for political purposes (including party political purposes) unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which you have been elected or appointed.
  - must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

#### 3.5 When reaching 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 personal statutory duties.

3.6 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

3.7 You will:

- (a) undertake Code of Conduct training provided by the local authority.
- (b) cooperate with any Code of Conduct investigation and/or determination.
- (c) comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

## Part 2 - Disclosable Pecuniary Interests

### 4. ***Notification of Disclosable Pecuniary Interests***

4.1 Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

4.2 A 'disclosable pecuniary interest' is an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in the table below.

4.3 "Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

<b>Notification of Disclosable Pecuniary Interests</b>	
<b>Subject</b>	<b>Description</b>
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 Council) made or provided within the 12 month period prior to notification of the interest 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

Contracts	Any contract which is made between you or your partner (or a body in which you or your partner has a beneficial interest) and the Council - (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 Bury Metropolitan Borough Council
Licences	Any licence (alone or jointly with others) to occupy land in the area of Bury Metropolitan Borough Council for a month or longer
Corporate Tenancies	Any tenancy where (to your knowledge) - (a) the landlord is the Council: and (b) the tenant is a body that you, or your spouse or civil partner or the person with whom you are living with as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest
<b>Notification of Disclosable Pecuniary Interests</b>	
<b>Subject</b>	<b>Description</b>
Securities	Any beneficial interest in securities of a body where - (a) that body (to your knowledge) has a place of business or land in the area of Bury Metropolitan Borough Council; and (b) either - (i) the total nominal value of the securities exceeds £25,000 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 you or your partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class

- (a) For the purposes of the above, "a body in which you or your partner has a beneficial interest" means a firm in which you or your partner is a partner or a body corporate of which you or your partner is a director, or in the securities of which you or your partner has a beneficial interest "director" includes a

member of the committee of management of an industrial and provident society.

- (b) "land" excludes an easement, interest or right in or over land which does not carry with it a right for you or your partner (alone or jointly) to occupy the land or receive income, and
- (c) "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.

## **5. *Non Participation in Case of Disclosable Pecuniary Interest***

5.1 Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in the table above, you must disclose the interest and:

- (a) You must not participate in any discussion of the matter at the meeting.
- (b) You must not participate in any vote taken on the matter at the meeting.
- (c) You must not remain in the room unless you have been granted a dispensation.
- (d) If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
- (e) If the interest is not registered, you must disclose the interest to the meeting.
- (f) 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.

## **6. *Non Participation in Case of Disclosure of Other Registerable Interests***

6.1 Where a matter arises at a meeting which *directly relates* to the financial interest or wellbeing of one of your Other Registerable Interests (included on your Register of Members Interest Form) you must disclose the interest and:

- (a) You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and
- (b) You must not remain in the room unless you have been granted a dispensation.
- (c) If it is a 'sensitive interest', you do not have to disclose the nature of the interest

**You must register the following as an Other Registerable Interest:**

(a) any unpaid directorships

(b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority

(c) any body

(i) exercising functions of a public nature

(ii) 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

## **7. Offences**

7.1 It is a criminal offence to:

- (a) Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election.
- (b) Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register.
- (c) Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting.
- (d) Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest.

7.2 As a Cabinet Member discharging a function acting alone and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.

7.3 As a Cabinet Member discharging a function acting alone, and having a disclosable pecuniary interest in a matter, taking any steps in relation to such a matter.

7.4 Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

7.5 The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to five years.



## Part 3 - Other Interests

### 8. ***Notification of Personal Interests***

- 8.1 In addition to the disclosable pecuniary interests notifiable under the Localism Act 2011, you must, within 28 days of –
- (a) this Code being adopted by or applied to your authority; or
  - (b) your election or appointment to office (where that is later), notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the “Other Registerable Interest” categories set out in paragraph 6 above for inclusion in the register of interests.
- 8.2 You have a personal interest in any business of your authority where it relates to or is likely to affect -
- (a) any body of which you are in a position of general control or management and to which you are appointed or nominated by your authority;
  - (b) any body -
    - (i) exercising functions of a public nature;
    - (ii) 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 in a position of general control or management;
  - (c) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least [£100]

### 9. ***Disclosure of Non-Registerable Interests***

- 9.1 Where a matter arises at a meeting which *directly relates* to the financial interest or wellbeing (and is not a Disclosable Pecuniary Interest set out in Table above) or a financial interest or well-being of a relative or close associate, you must disclose the interest you must disclose the interest and.
- (a) You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and
  - (b) you must not remain in the room unless you have been granted a dispensation.
  - (c) If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest
- 9.2 *Where a matter arises at a meeting which affects –*
- (a) your own financial interest or well-being;
  - (b) a financial interest or well-being of a relative or close associate; or
  - (c) a financial interest or wellbeing of a body included under Other Registrable

Interests you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

9.3 *Where a matter (referred to in paragraph 9.2 above) affects the financial interest or well-being:*

- (a) to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

9.4 *You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.*

9.5 *If it is a 'sensitive interest', you do not have to disclose the nature of the interest.*

9.6 *Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.*

## **10. Gifts and Hospitality**

10.1. You will:

- (a) not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.
- (b) register with the Monitoring Officer any gift or hospitality with an estimated value of at least £100 within 28 days of its receipt.
- (c) register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

## **11. Non Participation in Case of Prejudicial Interest**

11.1 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of your authority in respect of:

- (a) 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 it relates particularly to the school which the child attends;
- (b) 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; and
- (c) any ceremonial honour given to members.
- (d) housing, where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease;
- (e) an allowance, payment or indemnity given to members;
- (f) setting council tax or a precept under the Local Government Finance Act 1992

## **12. *Interests Arising in Relation Overview and Scrutiny Committees***

12.1 In any business before an overview and scrutiny committee of the Council (or of a sub-committee of such a committee) where:

- (a) that business relates to a decision made (whether implemented or not) or action taken by the Cabinet or another of the authority's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made, or action was taken, you were a member of the Cabinet, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

12.2 You may attend the meeting of the overview and scrutiny committee for the purpose of explaining the reasons for the decision or answering questions or giving evidence relating to the business, but you cannot participate otherwise in the discussion or in any vote on the matter.

## **Part 4 - General Matters Relating to Parts 2 and 3**

### **13. *Register of Interests***

13.1. Subject to paragraph 14 any disclosable pecuniary interests or personal interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the authority's website.

### **14. *Sensitive interests***

14.1 This paragraph applies where you consider that disclosure of the details of a disclosable pecuniary interest or a personal interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring

Officer agrees. In these circumstances, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.

## **15. *Dispensations***

- 15.1. The Council may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest or a prejudicial interest.

## **Appendix A – The Seven Principles of Public Life**

The principles are:

### **Selflessness**

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

### **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 disclose and resolve any interests and relationships.

### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the 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.

### **Honesty**

Holders of public office should be truthful.

### **Leadership**

*Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and willing to challenge poor behaviour wherever it occurs.*