

**CURRENT VERSION**

# **GLoucester City Council**

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## **The Code of Conduct for Members and Co-Opted Members**

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**together with**

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## **The Rules for Registration of Interests and Conflicts of Interest**

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*Approved and adopted by the Council on  
19<sup>th</sup> July 2012*

# Part 5 - Codes and Protocols

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# Part 5 - Codes and Protocols

## The Code of Conduct for Members of Gloucester City Council

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*Prepared pursuant to Chapter 7 of the Localism Act 2011*

### **Part 1**

#### **1. Purpose of the Code**

- 1. 01** The purpose of this Code of Conduct is to assist Members (including co-opted Members) in the discharge of their obligations to the Council, their local communities and the public at large by:
- a) setting out the standards of conduct that are expected of Members and co-opted Members of the Council when they are acting in that capacity, and in so doing.
  - b) providing the openness and accountability necessary to reinforce public confidence in the way in which Members perform those activities.

#### **2. Scope of the Code**

- 2.01** The Code applies to Members in all aspects of their activities as a Member, including when acting on Council business, ward/division business or when otherwise purporting to act as a Member and when attending informal meetings with other Members and/or officers relating to the discharge of the Council's functions. It does not seek to regulate what Members do in their purely private and personal lives.
- 2.02** The obligations set out in this Code are complementary to those which apply to all Members by virtue of the procedural and other rules of the Council and the rulings of the Chair.
- 2.03** The obligations set out in this Code are also complementary to, and include, those obligations which apply to Members falling within the scope of related Codes and Protocols of the Council, specifically:
- the Protocol on Member and Officer Relations;
  - the Planning and Development Code of Practice; and
  - the Probity in Licensing and Enforcement Code of Practice.

#### **3. Public Duties of Members**

- 3.01** Members have a duty to uphold and comply with the law, including the general law against discrimination and the requirements of the Localism Act 2011, and to act on all occasions in accordance with the public trust placed in them.
- 3.02** Members have an overriding duty to act in the interests of the City as a whole, but also have a special duty to represent the views of the residents and communities of their ward.

#### **4. General Principles of Conduct**

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**4.01** In carrying out their duties in exercising the functions of their Council or otherwise acting as a Councillor, Members will be expected to observe the following general principles of conduct identified by the Committee on Standards in Public Life in its First Report as applying to holders of public office. These principles will be taken into consideration when any allegation is received of breaches of the provisions of the Code.

**a) "Selflessness**

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

**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.

**c) Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

**d) 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.

**e) 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.

**f) Honesty**

Holders of public office should be truthful.

**g) 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.

### 5. Expectations of Conduct

**5.01** Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.

**5.02** Members shall at all times ensure that their use of expenses, allowances, facilities and services provided from the public purse is strictly in accordance with the rules laid down on these matters, and that they observe any limits placed by the Council on the use of such expenses, allowances, facilities and services.

**5.03** Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Council and never undertake any action which would bring the Council, or its Members or officers generally, into disrepute.

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### 6. Rules of Conduct

**6.01** Members shall in particular observe the following rules when acting as a Member or co-opted Member of the Council:

- a)** **Do** provide leadership to the authority and communities within the Council's area, by personal example.
- b)** **Do** treat others with respect and **Do not** bully any person.
- c)** **Do** be aware of the requirements of the Bribery Act 2010 and that offences under the Act include the situation where a Member requests, agrees to receive or accepts a financial or other advantage intending that, in consequence, any function of a public nature, any activity connected with the Council or any activity to be performed by or on behalf of the Council or others should be performed improperly.
- d)** **Do not** do anything which may cause your Council to breach any of the equality enactments (as defined in the Equality Act 2010), data protection legislation or any other legislation.
- e)** **Do not** conduct yourself in a manner which is likely to bring the Council into disrepute.
- f)** **Do not** do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your Council.
- g)** **Do not** 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 legal advice provided that the third party agrees not to disclose the information to any other person; or
  - (iv) the disclosure is –
    - (a) reasonable and in the public interest; and
    - (b) made in good faith and in compliance with the reasonable requirements of the Council.
- h)** **Do not** prevent another person from gaining access to information to which that person is entitled by law.
- i)** **Do not** provide or offer to provide a reference for any candidate for appointment or promotion as an officer of the Council.

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- 6.02** Members shall observe the following rules when using the resources of the Council, or resources the use of which is controlled or influenced by the Council or authorising the use of those resources by others or:
- a) **Do** act in accordance with the Council's reasonable requirements including the requirements of the Council's IT, the Protocol on Member and Officer Relations, the Planning and Development Code of Practice and the Probity in Licensing and Enforcement Code of Practice, which you are deemed to have read;
  - b) **Do** make sure that such resources are not used improperly for political purposes (including party political purposes); and
  - c) **Do** have regard to any applicable Local Council Code of Publicity made under the Local Government Act 1986.
  - d) **Do not** improperly use knowledge gained solely as a result of your role as a member for the advancement of your own interests.
- 6.03** Members shall observe the following rules when making decisions on behalf of or as part of the Council:
- a) **Do** have regard to any relevant advice provided to you by the Council's Chief Financial Officer and Monitoring Officer where such advice is offered pursuant to his or her statutory duties.
  - b) **Do** give reasons for the decisions in accordance with any statutory requirements, on the basis of the merits of the circumstances, in the public interests and in accordance with any reasonable additional requirements imposed by the Council.
  - c) **Do** consult the Council's Chief Legal Officer whenever there is any doubt as to the Council's powers to act, or as to whether the action proposed lies within the policy framework agreed by the Council, or where the legal consequences of action or failure to act by the Council might have important repercussions.

### **7. Registration and Declaration of Interests**

- 7.01** Members shall fulfil conscientiously the requirements of the Council in respect of the registration of interests in the Register of Members' Interests and, where it is required or appropriate to do so, shall always draw attention to any relevant interest in any proceeding of the Council or its Committees, or in any communications with the Council, its Members or officers as required in this Code of Conduct.

### **8. Duties in respect of the Council's Audit and Governance Committee and the Monitoring Officer**

- 8.01** The application and guidance on the application of this Code shall be a matter for the Council and for the Council's Audit and Governance Committee and, as appropriate, the Monitoring Officer, acting in accordance with their terms of reference.
- 8.02** Members shall co-operate, at all stages, with any investigation into their conduct by or under the Council of those persons and shall not seek to intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness or involved in the administration of any investigation or proceedings in relation to an allegation that a member has failed to comply with his or her Council's code of conduct.

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- 8.03** No Member shall lobby a member of the Council's Audit and Governance Committee or Hearings Panel in a manner calculated or intended to influence their consideration of a complaint of a breach of this Code otherwise than in accordance with the arrangements laid down by the Council.

## Part 5 - Codes and Protocols

### Registration, Disclosure and Duties on Interests Held by Members and Co-Opted Members of Gloucester City Council

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#### Part 2

##### **9. Registration of Interests**

- 9.01** **Do** fulfil the requirements of the law and the Council in registering your interests in the Register of Members' Interests. These are explained on the following pages.
- 9.02** **Do** draw attention to any relevant interest, where it is required or appropriate to do so, in any proceeding of the Council or its Committees with which you are involved or in any communications with any colleague, officer or outside body in your role as a member.
- 9.03** **Do** approach the Council's Monitoring Officer if you feel that your interest should be treated as sensitive because it could lead to you, or a person connected with you, being subject to violence or intimidation.

##### **Disclosable Pecuniary Interests**

**9.04** **You must:-**

- a) comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a Disclosable Pecuniary Interest.
- b) ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your Disclosable Pecuniary Interests.
- c) make a verbal declaration of the existence and nature of any Disclosable Pecuniary Interest at any Meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent (unless the interest is a sensitive interest in which event you need not disclose the nature of the interest).
- d) "Meeting" means any meeting organised by or on behalf of the authority, including:-
  - (i) any meeting of the Council, or a Committee or Sub-Committee of the Council;
  - (ii) taking a decision as a Ward Councillor or as a Cabinet Member;
  - (i) any briefing by officers; and
  - (ii) any site visit to do with business of the authority.

##### **Other Interests**

- 9.05** In addition to the requirements of Paragraph 9.04, if you attend a meeting at which any item of business is to be considered and you are aware that you have a "non-disclosable pecuniary interest" or "personal interest" in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.
- 9.06** You have a "non-disclosable pecuniary interest" or "personal interest" in an item of business of your authority where:-

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- 9.07** A decision in relation to that business might reasonably be regarded as affecting the well being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or
- 9.08** It relates to or is likely to affect any of the interests listed in the Table in the Schedule to this Code, but in respect of a member of your family (other than your spouse, civil partner or person with whom you are living as spouse or civil partner) or a person with whom you have a close association and that interest is not a Disclosable Pecuniary Interest.

### **Gifts and Hospitality**

- 9.09** You must within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £100 which you have accepted as a member from any person or body other than the authority.
- 9.10** The Monitoring Officer will place your notification on a public register of gifts and hospitality.

**10. Disclosure and Duties in Respect of Interests Held by Members**

#### **Declaration of interests not included in the Register**

- 10.01** **Do** ensure, if you have an interest that is not entered in the Council's register, that
- where you are present at a meeting of the Council or of any committee, sub-committee, joint committee or joint sub-committee of the Council, you disclose the interest to the meeting (unless the Council's Monitoring Officer considers that it is a sensitive interest); and
  - you notify the Council's Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure (unless it is subject of a pending notification).

- 10.02** **Do** then act accordingly.

#### **Disclosable Pecuniary Interests**

- 10.03** **Do** ensure, where you
- are present at a meeting of the Council or of any Committee, Sub-Committee, Joint Committee, Joint Sub-Committee, Forum or Working Party of the Council; and
  - are or become aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting,

that you

- **do not** participate, or participate further, in any discussion of the matter at the meeting; and
- **do not** participate in any vote, or further vote, taken on the matter at the meeting

- 10.04** **Do** ensure, where you

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- a) are to discharge a function of the Council acting alone, and
  - b) are or become aware that you have a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, in the course of discharging that function
- that you
- **do not** take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by you).

**10.05** **Do** make a written request to the proper officer of the Council if you consider it appropriate that the Council grant a dispensation relieving you from either or both of the restrictions in paragraph 2.1.

**10.06** **Do** be aware that, in respect of disclosable pecuniary interests, failing to act as required by the Localism Act (as outlined in the Schedule to this Code of Conduct) is a criminal offence.

### **General**

**10.07** **Do** act in accordance with the Council's Procedure Rules where you

- a) are present at a meeting of the Council or of any Committee, Sub-Committee, Joint Committee, Joint Sub-Committee, Forum or Working Party of the Council; and
- b) are or become aware that you have a disclosable pecuniary interest, a non-disclosable pecuniary interest or a personal interest in any matter to be considered, or being considered, at the meeting.

**10.08** **Do** base your conduct when acting as a Member on a consideration of the public interest, avoiding conflict between your personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.

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### Schedule to the Code of Conduct

#### **Disclosable Pecuniary Interests**

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the **Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012** as follows –

| <b>Interest</b>                                   | <b>Prescribed 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 previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you 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, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council<br>(a) under which goods or services are to be provided or works are to be executed; and<br>(b) which has not been fully discharged.   |
| Land  | Any beneficial interest in land which is within the Council's area.<br>For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.   |
| Licences  | Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.  |
| Corporate tenancies                               | Any tenancy where (to your knowledge) –<br>(a) the landlord is the Council; and<br>(b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest.  |
| Securities  | Any beneficial interest in securities of a body where –<br>(a) that body (to your knowledge) has a place of business or land in the Council's area and<br>(b) either –<br>i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body;<br>or   |

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- 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, your spouse or civil partner or person with whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose, "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.

**NOTE:-** the provisions in paragraph 4 of the Code in respect of the registration and disclosure of Disclosable Pecuniary Interests and to withdraw from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and those of your spouse or civil partner or person with whom you are living as a spouse or civil partner where you are aware of their interest.

## Part 5 - Codes and Protocols

### Declaring Interests Flowchart – Questions to ask yourself

**Is there any item of business before the meeting where you are present and you are aware that it:**

- relates to or will affect the subject matter of a Disclosable Pecuniary Interest (**DPI**)? These will include, for either yourself or your spouse/partner:
  - Employment, vocation, trade, profession or office
  - Beneficial interest in a business, company (greater than 1/100<sup>th</sup>) in the Council's area
  - Beneficial interest in land in the Council's area; or
  - Any interest in a contract with the Council

**or**

- relates to or will affect the subject matter of what would be a **DPI** but is in respect of a member of your family or a person with whom you have a close association rather than yourself or your spouse/partner?  
*\* A person includes a natural person and also a legal person in the form of a company, a charitable, other incorporated body or, for these purposes, an unincorporated association*

**or**

- might otherwise be reasonably regarded as affecting the well being or financial standing of
  - (i) yourself;
  - (ii) a member of your family; or
  - (iii) a person\* with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected (or otherwise of the authority's administrative area)?

**No**

#### **CONTINUE TO FULLY PARTICIPATE**

(Unless you have predetermined the issue, in which case speak as a non-member of the meeting and withdraw to the gallery)

**Yes**

**Do you have a dispensation granted by the authority in relation to this interest?**

**No**

**YOU HAVE A PERSONAL INTEREST**  
**Under the Code of Conduct, you must disclose the existence and nature of your personal interests**

Is the interest 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 your judgement of the public interest?

**No**

**YOU HAVE A DISCLOSABLE PECUNIARY INTEREST**  
**Under the Code of Conduct and the Localism Act 2011, you must disclose the existence and nature of your interest and ensure the DPI is registered**

#### **YOU HAVE A CONFLICT OF INTEREST**

It is a requirement of Standing Orders and of the 2011 Act in respect of **DPIs** enforceable under criminal law that **you must not participate further in any discussion of, or vote on, or take any executive steps in relation to the item of business**

**Are members of the public allowed to make representations to the meeting, give evidence or answer questions about the matter, by statutory right or otherwise?**

**Yes**

You may participate in the meeting for that purpose only but IMMEDIATELY after you have finished (or when the meeting decides that you have finished)

**No**

Standing Orders require that you must retire to the public gallery or other area set aside from the meeting

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