

SCHEDULE 9 - MEMBERS' CODE OF CONDUCT

Tamworth Borough Council Members' Code of Conduct

As a member or co-opted member of Tamworth Borough Council I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

As a member or co-opted member of Tamworth Borough Council, my conduct will in particular address the statutory principles of the code of conduct by:

- 1 Championing the needs of residents – the whole community and particularly my constituents, including those who did not vote for me - and putting their interests first.
- 2 Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- 3 Maintaining and fulfilling the rights and obligations imposed by the requirements of Data Protection legislation.
- 4 Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the Borough of Tamworth or the good governance of the authority in a proper manner.

- 5 Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
- 6 Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- 7 Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- 8 Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it.
- 9 Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.
- 10 Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- 11 Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- 12 Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.
- 13 Keeping confidential any confidential information I receive in my role as a Councillor.
- 14 Co-operating and assisting with any investigation into a breach of the Code of Conduct or the decision making of a sub-committee.
- 15 Not attempting to interfere with any investigation by any means, including the attempted intimidation or pressuring of witnesses.

Registration of Interests

The Localism Act further provides for registration and disclosure of interests and this will be done as follows:

The Monitoring Officer will maintain a register of members' interests in accordance with section 29 of the Localism Act 2011. The register of interests is a public document which must be published on the Council's web site.

The requirement to register interests

Members and co-opted members shall on the adoption of this code of conduct register any disclosable pecuniary interests as specified by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. A copy of the statutory provisions and the regulations is set out in the schedule to this code.

A member or co-opted member must before the end of 28 days beginning with the day on which the person becomes a member or co-opted member of the Council notify the Monitoring Officer of any disclosable pecuniary interest which a person has at the time when notification

is given or in the case of re-election or re-appointment any interests which have not been the subject of notification. Any new interests should also be notified within 28 days. A form will be provided for the convenience of members and co-opted members.

All interests declared whether or not disclosable pecuniary interests shall be entered on the register.

The interests to be registered

- 16** Disclosable pecuniary interests as set out in the regulations¹ being the interest of:-
- 16.1 the member or co-opted member.
 - 16.2 the spouse or partner of the member or co-opted member.
 - 16.3 a person with whom the member or co-opted member is living as husband and wife or as if they were civil partners.
 - 16.4 and the member or co-opted member is aware that the other person has an interest.
- 17** Disclosable pecuniary interests² are:-
- 17.1 Employment, office, trade profession or vocation.
 - 17.2 Sponsorship.
 - 17.3 Contracts with the Council.
 - 17.4 Any interest in land in the Borough.
 - 17.5 Any licence to occupy land in the Borough.
 - 17.6 Corporate tenancies where the Council is the landlord and the tenant is a body in which any of the persons in paragraphs 13.1 to 13.3 above have a beneficial interest.
 - 17.7 Securities such as shares in a body having a place of business in the Borough and the nominal value exceeds £25,000 or 1% of the issued share capital of that body or the class of shares held.

Obligations in respect of matters considered at meetings or by a single member exercising Executive functions

If a member or co-opted member is present at a meeting of the Council, the Executive, or any committee, sub-committee, joint committee or joint sub-committee of the Council or of the Executive has a disclosable pecuniary interest of which they are aware and the interest is not entered in the register of interests, the member or co-opted member must disclose the interest to the meeting unless the interest is a sensitive interest (see below) in which case only the fact that there is an interest need be disclosed.

Notice of the interest must be given to the Monitoring Officer within 28 days of disclosing it, unless the interest has already been registered or notice has already been given.

If you have a disclosable pecuniary interest in any business you cannot participate, or participate further, in any discussion of the matter at the meeting or participate in any vote, or further vote taken on the matter at the meeting unless you have obtained a dispensation from the Audit and Governance Committee.

Standing order 21.6 provides that a member with a disclosable pecuniary interest must withdraw from the room in which the meeting is being held.

¹ The Relevant Authorities (Disclosable Pecuniary Interest) Regulation 2012.

² See the regulations for the full definition.

Where a single member exercising Executive decisions has a disclosable pecuniary interest in any matter being dealt with by that member in discharging that function, notice of the interest must be given to the Monitoring Officer within 28 days of disclosing it, unless the interest has already been registered or notice has already been given and the member must not take any further steps in relation to the matter except for enabling the matter to be dealt with by another member.

Voluntary registration and declaration of interests – guidance

If a member or co-opted member has other interests which do not constitute a disclosable pecuniary interest, it would be good practice and in accordance with principle of openness to consider whether in all the circumstances such interests should be notified to the Monitoring Officer for inclusion in the register of interests.

Members and co-opted members should also consider whether such interests might be viewed by other people as prejudicing the proper consideration of business in the public interest and whether such interests should be disclosed to the meeting. Members and co-opted members should also decide whether or not to take part in the discussion and any vote where an interest is disclosed. Particular consideration should be given to other interests in the case of planning and licensing decisions.

The Monitoring Officer will be available to provide general guidance to members and co-opted members.

Sensitive interests

If a member or co-opted member considers that disclosure of an interest could result in that person or a connected person being subject to violence or intimidation an application should be made to the Monitoring Officer for details of that interest to be excluded from the register.

Dispensations

If the number of members prohibited from participating in any business would be so great a proportion of the number of members transacting the business as to impede the transaction of the business, the Council, acting by the Audit and Governance Committee may grant a dispensation in appropriate terms for a period not exceeding four years. An application for dispensation should be made to the Monitoring Officer to put before the Audit & Governance Committee.

Criminal offences

Failure, without reasonable excuse to comply with the statutory provisions relating to disclosable pecuniary interests is a criminal offence which on summary conviction carries a maximum fine of £5,000 and may lead to disqualification for a maximum period of five years for being or becoming a member or co-opted member of a local authority.

Section 34 of the Localism Act (see the schedule) sets out the offences.

Gifts and Hospitality

This Code and Schedule 15 of the Constitution (Gifts and Hospitality) require to be followed in conjunction with each other.

I

being a member or co-opted member of Tamworth Borough Council agree to be bound by the provisions of this code of conduct.

Dated.....