

# WINCHESTER CITY COUNCIL

## CODE OF CONDUCT FOR MEMBERS

### Part 1: General Provisions and Interpretation

#### 1. Introduction

This Code of Conduct is adopted by the City Council pursuant to its statutory duty to promote and maintain high standards of conduct by Members and Co-opted Members of the Council. This Code applies to all Members and Co-opted Members of the Council.

This Code is based on and is consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership as referred to in the Localism Act 2011.

In the interests of transparency and openness, and in accordance with the requirements of the Localism Act 2011, a copy of the Register of Members' Interests is published on the Council's website, and is available for public inspection at the City Council's offices at all reasonable hours.

#### 2. Scope

This Code applies to all Members and Co-opted Members of the Council when acting in their official capacity, or when giving the impression that they are acting as a representative of the Council. References in this Code to "Member" shall also be interpreted to include co-opted Member.

Where a Member is a member of more than one local authority, but acting on behalf of the Council, such Member is, for the avoidance of doubt, bound by this Code of Conduct.

#### 3. General obligations of Members and Co-opted Members

As a Member of Winchester City Council, your conduct will address the principles of the Code of Conduct by:

- 3.1 Representing the needs of residents, and putting their interests first.
- 3.2 Dealing with representations or enquiries from residents, members of communities within the administrative area of Winchester City Council and visitors fairly, appropriately and impartially.

- 3.3 Not allowing other pressures, including the financial interests of yourself or others connected to you, to deter you from pursuing constituents' casework, the interests of the Council's area, or the good governance of the Council in a proper manner.
- 3.4 Exercising independent judgement and not compromising your position by placing yourself under obligations to outside individuals or organisations who might seek to influence the way you perform your duties.
- 3.5 Listening to the interests of all parties, including relevant advice from statutory and other professional officers of the Council, taking all relevant information into consideration, remaining objective and making decisions on merit.
- 3.6 Being accountable for your decisions and co-operating when scrutinised internally and externally.
- 3.7 Contributing to making the Council's decision-making processes as open and transparent as possible.
- 3.8 Restricting access to information when the wider public interest, the Council's Constitution, or the law requires it.
- 3.9 Behaving in accordance with all the Council's legal obligations, alongside any requirements contained in the Council's policies, protocols and procedures relating to conduct.
- 3.10 Ensuring that when using or authorising the use by others of the resources of the Council that such resources are not used improperly for political purposes.
- 3.11 Having regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 or otherwise.
- 3.12 Not knowingly doing anything which might cause the Council to breach any legislation.
- 3.13 Valuing your colleagues and Officers of the Council and engaging with them in an appropriate manner.
- 3.14 Always treating all people and organisations with respect and propriety.
- 3.15 Providing leadership through behaving in accordance with these principles.

## **Part 2: Disclosable Pecuniary Interests**

### **1. Introduction**

A disclosable pecuniary interest is an interest falling within the Schedule set out at Paragraph 3 below of:

- 1.1 Yourself; or
- 1.2 Your spouse or civil partner, or someone you are living with as if you were husband and wife or civil partners, where you are aware that that other person has the interest.

### **2. Interpretation**

In the Schedule set out at Paragraph 3 below, the following words or expressions mean as follows:

- 2.1 'the Act' means the Localism Act 2011;
- 2.2 'body in which the relevant person has a beneficial interest' means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;
- 2.3 'director' includes a member of the committee of management of an industrial and provident society;
- 2.4 'land' excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;
- 2.5 'M' means a member of a relevant authority;
- 2.6 'member' includes a co-opted member;
- 2.7 'relevant authority' means Winchester City Council of which M is a member;
- 2.8 'relevant period' means the period of 12 months ending with the day on which M gives a notification of a disclosable pecuniary interest for the purposes of Section 30(1) or Section 31(7), as the case may be, of the Act;
- 2.9 '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.

### 3. Schedule of Disclosable Pecuniary Interests

<b>Subject</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 relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. 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 the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority: (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 the relevant authority.
Licences	Any licence (along 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 M's knowledge): (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where: (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either:

	<p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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 the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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## **Part 3: Registration and Disclosure of Disclosable Pecuniary Interests**

### **1. Obligations**

- 1.1 You must, within 28 days of taking office as a Member or Co-opted Member of the Council, notify the Council's Monitoring Officer of any disclosable pecuniary interests as defined by regulations made by the Secretary of State (as set out at Part 2 of this Code), where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.
- 1.2 You must also, within 28 days of becoming aware of any new disclosable pecuniary interest, or change thereto, notify the Council's Monitoring Officer of such new or changed interest.
- 1.3 If you have a disclosable pecuniary interest included on the Register of Members' Interests, you must disclose this interest at any meeting of the Council, its Cabinet or Committees (including joint committees and sub-committees) at which you are present. Such interest should be disclosed at the commencement of consideration of the business or when the interest becomes apparent.
- 1.4 If a disclosable pecuniary interest has not been entered onto the Council's Register of Interests, then you must also disclose the interest to any meeting of the Council, its Cabinet or Committees (including joint committees and sub-committees) at which you are present where you have such an interest in any matter being considered. Such interest should be disclosed at the commencement of consideration of the business or when the interest becomes apparent. Following disclosure of a disclosable pecuniary interest not on the Council's Register or the subject of pending notification, you must notify the Monitoring Officer of such interest within 28 days, beginning with the date of disclosure.

- 1.5 Unless a dispensation has been granted by the Standards Committee, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a disclosable pecuniary interest. You must as soon as it becomes apparent that you have such an interest withdraw from the room where the meeting considering the business is being held, and must not seek improperly to influence a decision about that business. If acting as a portfolio holder you may not take any further steps in relation to the matter other than for the purpose of arranging for the matter to be dealt with otherwise than by yourself.

#### **Part 4: Registration of Gifts and Hospitality**

1. You must, within 28 days of receipt, notify the Council's Monitoring Officer of any gift or hospitality you receive, if such gift or hospitality has an estimated value of at least £50.

#### **Part 5: Non Pecuniary Interests – Personal and Prejudicial Interests**

1. Without prejudice to requirements contained at Part 3 of this Code in respect of the registration and disclosure of pecuniary interests, this Code requires that other non-pecuniary interests may still need to be declared and may affect participation in the business of the Council.
2. A declaration needs to be made in respect of personal interests for reasons of openness and transparency.
3. If that personal interest is also a prejudicial interest then there may be a conflict of interest which prevents the Member from participating in the decision.
4. For the avoidance of doubt, the statutory requirements in respect of disclosable pecuniary interests, take precedence and apply in place of the Council's additional requirements in the Code for personal and prejudicial interests.

#### **Part 6: Personal interests**

1. You have a personal interest in the business of the Council when it relates to or is likely to affect:
  - 1.1 any body of which you are a member or in a position of general control or management, and to which you are appointed or nominated by the Council.

- 1.2 any body
  - (a) exercising functions of a public nature;
  - (b) directed to charitable purposes; or
  - (c) 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
- 1.3 any employment or business carried on by you other than for profit or gain;
- 1.4 any person or body who employs you, or who has appointed you, other than for profit or gain;
- 1.5 the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50 in the last three years;
2. You also have a personal interest in the business of the Council when a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position, or the well-being or financial position of a relevant person (as defined at paragraph 3) below, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward within the administrative area of the Council affected by the decision;
3. In Paragraph 2, a “relevant person” is:
  - 3.1 your spouse or civil partner, or someone you are living with as if you were husband and wife or civil partners, where you are aware that that other person has the interest; or
  - 3.2 another member of your family, or any person with whom you have a close association, where you are aware that that other person has the interest; or
  - 3.3 any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
  - 3.4 any person or body in whom to the Member’s knowledge such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000: or
  - 3.5 any body of a type described in paragraph 1.1 or 1.2 above.

## **Part 7: Disclosure of Personal Interests**

- 1.1 Subject to paragraphs 1.2 to 1.5 below, where you have a personal interest in any business of the Council you must disclose this interest at any meeting of the Council, its Cabinet or Committees (including joint committees and sub-committees) at which you are present. Such interest should be disclosed at the commencement of consideration of the business or when the interest becomes apparent.
- 1.2 Where you have a personal interest in any business of the Council which relates to or is likely to affect a person described in Part 6 paragraphs 1.1 or 1.2 (a) above, you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- 1.3 The requirement to declare a personal interest only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- 1.4 Where you have a personal interest in any business of the Council and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision (portfolio holder decision notice) records the existence and nature of that interest.
- 1.5 In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

## **Part 8: Prejudicial Interests**

### **1. Definition of Prejudicial Interest.**

Subject to paragraph 2 below, where you have a personal interest in any business of the Council, you also have a prejudicial interest in that business when 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 your judgement of the public interest.

### **2. Limitation on extent of prejudicial interests**

- 2.1 You do not have a prejudicial interest in any business of the Council where that business does not affect your financial position, or the financial position of a body or relevant person as described in Part 6 of this Code; or
- 2.2 does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or a body or relevant person as described in Part 6 of this Code; or

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

## **Part 9: Effect of Prejudicial Interests on Participation**

- 1.1 Unless a dispensation has been granted by the Council's Standard's Committee, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a prejudicial interest (as set out at Part 7 of this Code), and must as soon as it becomes apparent that you have such an interest (save for in circumstances set out at paragraph 2.2 below) withdraw from the room where the meeting considering the business is being held, and must not seek improperly to influence a decision about that business. If acting as a single Executive member you may not take any further steps in relation to the matter other than for the purpose of arranging for the matter to be dealt with otherwise than by yourself.
- 1.2 Without prejudice to paragraph 1.1 above, where you have a prejudicial interest in any business of the Council (including any meeting of an Overview and Scrutiny Committee of the Council) you may, notwithstanding such prejudicial interest, attend such meeting for the purpose of making representations, answering questions or giving evidence relating to such business, provided members of the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.
- 1.3 For the avoidance of doubt the procedure in paragraph 1.2 above cannot be used by the member where the interest comes within the statutory definition of a disclosable pecuniary interest.
- 1.4 In any case where paragraph 1.2 above applies, you must withdraw from the room immediately after making representations, answering questions, or giving evidence, unless in the case of an Overview and Scrutiny Committee, the Committee invites you to remain.

## **Part 10: Sensitive Information**

- 1.1 A sensitive interest is described in the Localism Act 2011 as a member or co-opted member of the Council having an interest, and the nature of the interest being such that the member or co-opted member, and the Council's Monitoring Officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with them, being subject to violence and intimidation.
- 1.2 A sensitive disclosable pecuniary interest or a change to such an interest need not be included on the Register of Members' Interests, but you may state that there is an interest the details of which are withheld under S32 Localism Act 2011.
- 1.3 Within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 1.2 is no longer sensitive information, you shall notify the Council's Monitoring Officer asking that the information be included in the Register of Members' Interests.
- 1.4 Any requirements in this Code for the declaration of an interest at meetings shall be met by not giving details of the sensitive interest but by stating that you have a disclosable pecuniary interest or a personal/prejudicial interest in the matter concerned.

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