

ST HELENS BOROUGH COUNCIL
CODE OF CONDUCT FOR ELECTED AND CO OPTED MEMBERS

Introduction

This Code applies to you as a member of this Authority when you act in your role as a member and it is your responsibility to comply with the provisions of this Code.

You are a representative of this Authority and the public will view you as such, therefore your actions impact on how the Authority as a whole is viewed and your actions can have both positive and negative impacts on the Authority.

Where you act as a representative of the Council (a) on another relevant authority, 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 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.

This Code is based upon the "Nolan Principles – the Seven Principles of Public Life", which are set out at Appendix 1.

Interpretation

In this Code:-

"Meeting" means any meeting of:

- (a) the Authority;
- (b) the Cabinet;
- (c) any of the Authority's or its Cabinet's committees, sub-committees, joint committees or area committees

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members.

"Member" includes a co-opted member.

General Obligations

1. When acting in your role as a member of the Authority:
 - 1.1 **DO** treat others with respect.

- 1.2 **DO NOT** conduct yourself in a manner which is contrary to the Authority's duty to promote and maintain high standards of conduct of members.
- 1.3 **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 Authority; and
 - (c) you have consulted the Monitoring Officer prior to its release
- 1.4 **DO NOT** prevent another person from gaining access to information to which that person is entitled by law.
2. When using, or authorising the use by others, of the resources of the Authority –
 - 2.1 **DO** act in accordance with the Authority's reasonable requirements including the requirements of the Authority's ICT policy and the policies (attached to the Authority's Constitution), copies of which have been provided to you and which you are deemed to have read;
 - 2.2 **DO** make sure that such resources are not used improperly for political purposes (including party political purposes); and
 - 2.3 **DO** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986

Interests

3. As a public figure, your public role may, at times, overlap with your personal and/or professional life and interests, however when performing your public role as a member, **DO** act solely in terms of the public interest

and **DO NOT** act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests.

4.

4.1 You are required to register “pecuniary and other interests” (subject to these not being sensitive). Failure to declare or register a pecuniary interest will be a criminal offence if this is done without a reasonable excuse. If you knowingly or recklessly provide false or misleading information about a pecuniary interest, this will also be a criminal offence. The definitions of a “pecuniary interest” which is disclosable and a “sensitive interest” are listed at Appendix 2.

4.2 You are required to register your own pecuniary interests, but you are also required by legislation to register the pecuniary interests of:

- (i) your spouse or civil partner
- (ii) a person with whom you are living as husband and wife
- (iii) a person with whom you are living as if you are civil partners

This requirement applies if you are aware that the other person has that pecuniary interest.

4.3 In addition to the requirement to register disclosable pecuniary interests and in the interest of openness and transparency, the Authority also requires you as an elected or co-opted member to register any involvement which you have either as a member of, or as someone who holds a position of general control or management in, the following bodies:

- (i) a body to which you have been appointed or nominated by the Authority as its representative;
- (ii) any public authority or body exercising functions of a public nature;
- (iii) any company, industrial and provident society, charity or body directed to charitable purposes;
- (iv) any body whose principal purposes include the influence of public opinion or policy;
- (v) any trade union or professional association

This requirement applies only to you as the elected or co-opted member. It does not require you to register interests (other than the pecuniary interests referred to) of any other person.

- 4.4 You are required to register your interests within 28 days of becoming an elected or co-opted member or, where your interest has arisen since a previous notification, within 28 days of a disclosable interest arising.
5. There is no requirement for you to declare or register any gifts and hospitality, however **DO NOT** accept any gifts in excess of £50.00 (fifty pounds).

Disclosure and participation

- 6.
- 6.1 At a meeting where such issues arise, **DO** declare any personal and/or professional interests relating to your public duties and **DO** take steps to resolve any conflicts arising in a way that protects the public interest.
- 6.2 If you have a disclosable pecuniary interest in any matter which is to be considered at a meeting, then unless you have previously sought and obtained a dispensation from the Authority's Monitoring Officer, you must disclose your pecuniary interest and you must not take part in any discussion of the matter. You must not take part in any vote on the matter. Subject to 6.3, you must withdraw from the meeting.
- 6.3 In circumstances where your disclosable pecuniary interest in an item relates to a planning or licensing matter which is before a relevant meeting and there is provision for members of the public to address meetings where such matters are considered, you must not take part in the discussion, but subject to having previously obtained a dispensation in relation to the matter, you may make representations to the meeting to the same extent as any other member of the public is entitled to. You are not required to withdraw from the meeting unless members of the public are similarly required to withdraw.
7. Certain types of decisions, including those relating to a permission, licence, consent or registration for yourself, your friends, your family members, your employer or your business interests, are so closely tied to your personal and/or professional life that your ability to make a decision in an impartial manner in your role as a member may be called into question and in turn raise issues about the validity of the decision of the Authority. **DO NOT** become involved in these decisions any more than a

member of the public in the same personal and/or professional position as yourself is able to be and **DO NOT** vote in relation to such matters.

8. **DO NOT** improperly use knowledge gained solely as a result of your role as a member for the advancement of yourself, your friends, your family members, your employer or your business interests.

Pre-determination or bias

9. Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life, you should not be prohibited from participating in a decision in your political role as member, however **DO NOT** place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
10. When making a decision, **DO** consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

Dispensations

11. You may request a dispensation from the Monitoring Officer to enable you to take part in a matter where you have a disclosable pecuniary interest. The Monitoring Officer will consider such a request in accordance with the provisions of legislative requirements. A Member not satisfied with the Monitoring Officer's decision can appeal to the Standards Committee.

THE SEVEN PRINCIPLES OF PUBLIC LIFE

SELFLESSNESS

Holders of the 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 the 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.

Appendix 2

The definition of a pecuniary interest is:

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>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.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
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 (alone 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

	<p>authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where –</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either -</p> <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>

The definition of a sensitive interest is:

An interest which the elected member or co-opted member and the Monitoring Officer consider, if disclosed, could lead to the elected or co-opted member or a person connected with them being subject to violence or intimidation.

Appendix 3

Where the decision referred to in Clause 7 above relates to one of the functions of the Authority set out below, and the condition which follows that function does not apply to you when making that decision, you may participate in the decision:

- (i) Housing, where you are a tenant of the Authority *unless* those functions relate particularly to your tenancy or lease;
- (ii) School meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or a parent governor of a school *unless* it relates particularly to the school which the child attends;
- (iii) Statutory sick pay under Part XI of the School Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to, the receipt of such pay;
- (iv) An allowance, payment or indemnity given to members;
- (v) Any ceremonial honour given to members; and
- (vi) Setting council tax or a precept under the Local Government Finance Act 1992