APPENDIX 4

SWINDON BOROUGH COUNCIL

MEMBERS CODE OF CONDUCT

July 2012

Section 28 Localism Act 2011

This Code of Conduct is, when viewed as a whole, consistent with the following principles set out in the Localism Act 2011

- **Selflessness,**
- **Integrity,**
- **Objectivity,**
- **Accountability,**
- **Openness,**
- **Honesty**
- **Leadership**

The former General Principles of Public Life expanded on the above as follows:

Selflessness *– members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.*

Honesty and Integrity *– members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.*

Objectivity *– members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.*

Accountability *– members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.*

Openness *– members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.*

Leadership *– members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.*

Swindon Borough Council

MEMBERS CODE OF CONDUCT

Part 1 – General Provisions

Introduction and interpretation

1. (1) This Code applies to **you** as a member of Swindon Borough Council ("the authority").

(2) This Code complies with section 28 of the Localism Act 2011 and is consistent with the principles set out in that section and which are listed in the table at the front of this Code.

(3) It is your responsibility to comply with the provisions of this Code.

In this Code—

"meeting" means any meeting of—
(a) the authority;
(b) the executive of the authority;
(c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"member" refers to members and co-opted members of the authority..

Scope

2. (1) This Code sets out the conduct that is expected of you as a member of the authority when you are acting in that capacity.

(2) Where you act as a representative of your authority—

(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 your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. (1) You must treat others with respect.

(2) You must not—

(a) do anything which may cause your authority to breach the Equality Act 2010 or other relevant equality enactments;

(b) bully any person;

(c) 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

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

4. 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—
      (aa) reasonable and in the public interest; and
      (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
  (b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You—
  (a) must 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; and
  (b) must, when using or authorising the use by others of the resources of your authority —
    (i) act in accordance with your authority's reasonable requirements;
    (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
  (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—
    (a) your authority's chief finance officer; or
    (b) your authority's monitoring officer,
    where that officer is acting pursuant to his or her statutory duties.

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

Part 2 - Interests

Personal interests

8. (1) You have a personal interest in any business of your authority where either—
   (a) it relates to or is likely to affect—
      (i) 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 your authority;
      (ii) any body—
         (aa) exercising functions of a public nature;
         (bb) directed to charitable purposes; or
         (cc) 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;
      (iii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50;
   (b) 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 to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected by the decision;

   (2) In sub-paragraph (1)(b), a relevant person is—
   (a) a member of your family or any person with whom you have a close association; or
   (b) 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;
   (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
   (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9. (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

   (2) Where you have a personal interest in any business of your authority which solely relates to a 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 your authority, you need only disclose to the meeting the existence and nature of that interest if that interest is prejudicial.

   (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(iii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more

than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

Prejudicial interest generally

10. (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where 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) You do not have a prejudicial interest in any business of the authority where that business—
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
- (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
- (c) relates to the functions of your authority in respect of—
  - (i) housing, where you are a tenant of your authority provided that those functions do not 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 are 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 Social 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;
  - (iv) any ceremonial honour given to members; and
  - (v) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (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 your authority's executive or another of your 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 executive, 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.

Effect of prejudicial interests on participation

12. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—
    (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
        (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
        (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

    unless you have obtained a dispensation from your authority's standards committee;
    (b) you must not exercise executive functions in relation to that business; and
    (c) you must not seek improperly to influence a decision about that business.

    (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3 - Registration of Members' Interests

Registration or Disclosure of members' interests

13. (1) Subject to paragraph 15, 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),

    register in your authority's register of members' interests, maintained under section 29 of the Localism Act 2011, details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer, together with any disclosable pecuniary interest **which you have, or you are aware that your spouse or civil partner (or person with whom you are living as husband and wife or civil partner)** may have.

    (2) Failure to register or disclose any disclosable pecuniary interest in accordance with section 30(1) or 31(2), (3) or (7) of the Localism Act 2011, or participating in any discussion or vote in contravention of section 31(4) of the Localism Act 2011, or taking any steps in contravention of section 31(8) of the Localism Act 2011, is a criminal offence and risks a fine not exceeding level 5 on the standard scale (currently £5,000) or disqualification as a member for a period not exceeding 5 years.

(3) Where you have a disclosable pecuniary interest which is a sensitive interest under paragraph 15 below, you must disclose not the sensitive interest but merely the fact that you have a disclosable pecuniary interest in the matter concerned.

(4) You must, within 28 days of becoming aware of any new or change in a registered personal interest, register details of that new or changed interest by providing written notification to your authority's monitoring officer.

Disclosable Pecuniary Interest

14. (1) A disclosable pecuniary interest is as defined in 'The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 ('the Regulations') and is as follows:

(a) Any employment, office, trade, profession or vocation carried on for profit or gain.

(b) Any payment or provision of any other financial benefit (other than from the authority) made or provided within the relevant period as defined in the Regulations 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.

(c) Any contract which is made between you and/or a person mentioned in paragraph 13 above (or a body in which you and/or such a person has a beneficial interest) and the authority—
(i) under which goods or services are to be provided or works are to be executed; and
(ii) which has not been fully discharged.

(d) Any beneficial interest in land which is within the area of the authority.

(e) Any licence (alone or jointly with others) to occupy land in the area of the authority for a month or longer.

(f) Any tenancy where (to your knowledge)—
(i) the landlord is the authority; and
(ii) the tenant is a body in which the relevant person has a beneficial interest.

(g) Any beneficial interest in securities of a body where—
(i) that body (to your knowledge) has a place of business or land in the area of the relevant authority; and
(ii) either—
(aa) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
(bb) 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.

.**Sensitive interest**

15. (1) Where you consider that you have a sensitive interest (whether or not a disclosable pecuniary interest), and your authority's monitoring officer agrees, if the interest is entered in the authority's register, copies of the register that are made available for inspection and any published version of the register, must not include details of the interest (but may state that the member has an interest the details of which are withheld under section 32 (2) of the Localism Act 2011).

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer a sensitive interest, notify your authority's monitoring officer asking that the interest be included in your authority's register of members' interests.

(3) In this Code, "sensitive interest" means an interest, the nature of which is such that you and your authority's monitoring officer consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation.

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