

CODE OF CONDUCT FOR MEMBERS

GENERAL PROVISIONS

1. SCOPE

1.1 This code applies to Members of the South West Councils. For ease of reference, the document refers to all three as “the organisation”.

A Member must observe the organisation’s code of conduct whenever he or she:

- (a) conducts the business of the organisation;
- (b) conduct the business of the office to which they have been elected or appointed; or
- (c) acts as a representative of the organisation, and references to a Member’s official capacity shall be construed accordingly.

1.2 The organisation’s code of conduct shall not, apart from paragraphs 2.3 and 2.4 (a) below, have effect in relation to the activities of a Member undertaken otherwise than in an official capacity.

2. GENERAL OBLIGATIONS

2.1 A Member must:

- (a) promote equality by not discriminating unlawfully against any person;
- (b) treat others with respect; and
- (c) not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the organisation.

2.2 A Member must not:

- (a) disclose information given to them in confidence by anyone, or information acquired which they believe is of a confidential nature, without the consent of a person authorised to give it, or unless they are required by law to do so; or
- (b) prevent another person from gaining access to information about the organisation or its work to which that person is entitled by law.

2.3 A Member must not, in their official capacity, or any other circumstance, conduct themselves in a manner which could reasonably be regarded as bringing their office or the organisation into disrepute.

2.4 A Member:

- (a) must not, in their official capacity, or any other circumstance, use their position as a Member improperly to confer on or secure for themselves or any other person, an advantage; and
 - (b) must, when using, or authorising the use by others of the resources of the organisation:
 - (i) act in accordance with the organisation's requirements; and
 - (ii) ensure that such resources are not used for political purposes.
- 2.5 A Member must when reaching decisions have regard to any relevant advice provided to them by an officer on issues of financial propriety and regularity.
- 2.6 The organisation believes that all of its employees have the right to be treated with dignity and respect and that bullying and harassment is totally unacceptable. It will deal effectively with any form of harassment or bullying and take any steps it sees fit to either stop or prevent it. Members are expected to promote this philosophy.

INTERESTS

Paragraphs 3 to 6 draw on the relevant extracts taken from the Statutory Code of Conduct for Members of Local Authorities, which the organisation has agreed should apply equally to its Members.

The key principle is that Members should be acting in, and be seen as acting in, an open, transparent and accountable manner.

3. PERSONAL INTERESTS

- 3.1 A Member must regard themselves as having a personal interest in any matter if the matter relates to an interest in respect of which notification must be given under paragraphs 7.1 and 7.2 below, or if a decision upon it might reasonably be regarded as affecting to a greater extent than other inhabitants of the region, the well-being or financial position of themselves, a relative or a friend or:
- (a) any employment or business carried on by such persons;
 - (b) any person 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 corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
 - (d) any body listed in sub-paragraphs (a) to (d) of paragraph 7.2 below in which such persons hold a position of general control or management.
- 3.2 In this paragraph:

- (a) 'relative' means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and
- (b) 'partner' in sub-paragraph (a) above means a person with whom a Member lives.

3.3 An example of a personal interest would be when a Member is participating in a planning decision which would be of immediate benefit to them or might be of benefit to Members of their family.

4. DISCLOSURE OF PERSONAL INTERESTS

4.1 A Member with a personal interest in a matter who attends a meeting of the organisation at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that meeting, or when the interest becomes apparent.

4.2 Subject to paragraph 6.1 (a) below, a Member with a personal interest in any matter who has made a decision in relation to that matter must ensure that any written statement of that decision records the existence and nature of that interest.

4.3 When completing their register of interest Members must declare all their interests including the organisation or body which nominated or elected them to the South West Councils "the primary organisations" (in the case of political Top Ups the primary body should be deemed to be the County or Unitary authority of which they are a member). However, they do not need to declare this every time an issue arises in debate where they might have an interest related to this Primary Organisation. *[This relationship should be clear from the description of their Membership in the minutes and elsewhere, including of course the register. For example, Joe Smith (A County Council); Jane Smith (SW TUC). Both would be able to speak on behalf of their primary organisation without each time having to mention their primary interest.]*

NB This exclusion does not apply if the decision being debated will have or is likely to be regarded as prejudicial (para 5).

4.4 This exemption from declaring an interest during a discussion does not apply if a Member is not only a member of a "Primary organisation" but also a member of another body even if it is a public body. *For example, Joe Smith (Somerset CC) might have been nominated by his authority (the Primary organisation) to be their representative on the Environment Agency but should declare his membership of the EA this when speaking on a matter that relates to that body to avoid any confusion.*

4.5 In addition when a "secondary interest" body has made a clear public statement about an issue and this could be perceived as having affected their judgement a

Member should also declare this matter and consider whether it could be regarded as prejudicial (5.5). *For example if there was a debate around the Transport Investment Priorities in the region on which the Environment Agency had made a clear response any member who as a secondary interest is a member of the EA Board should declare an interest.*

5. PREJUDICIAL INTERESTS

- 5.1 A Member with a personal interest in a matter also has a prejudicial interest in that matter if 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 the Member's judgment of the public interest. *For example, any planning decision which relates to land they own or a business they run; any funding decision or decision that could influence funding such as agreeing policies in the Regional Housing Strategy that put regional funds into their specific local authority area.* Guidance can be offered by the Chief Executive or one of her team but, as a general rule, Members should err on the side of caution and if in doubt declare the matter and follow the guidance at paragraph 6.

6. PARTICIPATION IN RELATION TO PREJUDICIAL INTERESTS

- 6.1 A Member with a prejudicial interest in any matter must:
- (a) not exercise decision making functions in relation to that matter;
 - (b) not seek improperly to influence a decision about that matter; and
 - (c) consider leaving the debate if to remain might inhibit the free flow of discussion

THE REGISTER OF MEMBERS' INTERESTS

7. REGISTRATION OF FINANCIAL AND OTHER INTERESTS

- 7.1 Within 28 days of the provisions of the organisations code of conduct being adopted or within 28 days of their appointment to the organisation or office (if that is later), a Member must register their financial interests in the South West Councils register by providing written notification to the organisation's Deputy Director (Performance & Resources).
- (a) any employment or business carried on by them;
 - (b) the name of the person who employs or has appointed them, the name of any firm in which they are a partner, and the name of any company for which they are a remunerated director;
 - (c) the name of any corporate body which has a place of business or land in the region, and in which the member has a beneficial interest in a class of

securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

- (d) a description of any contract for goods, services or works made between the organisation and themselves or a firm in which they are a partner, a company of which they are a remunerated director, or a body of the description specified in sub-paragraph (c) above;
- (e) the address or other description (sufficient to identify the location) of any land in which they have a beneficial interest and which is in the South West;

7.2 Within 28 days of the provisions of the organisations code of conduct being adopted or within 28 days of the Annual General Meetings of the three constituent parts of the organisation or their election or appointment to the organisation (if that is later), a Member must register his or her other interests in the organisation's register by providing written notification to the Deputy Director (Performance & Resources) of their membership or of position of general control or management in any:

- (a) public authority or body exercising functions of a public nature;
- (b) company, industrial and provident society, charity, or body directed to charitable purposes;
- (c) body whose principal purposes include the influence of public opinion or policy; and
- (d) trade union or professional association.

7.3 A member must within 28 days of becoming aware of any change to the interests specified under paragraphs 7.1 and 7.2 above, provide written notification to the Deputy Director (Performance & Resources) of that change.

7.4 Failure to complete a register within the 28 days will be reported to the Members Group Leader, subsequent failure to complete the register within a further 28 days will lead to the Member losing their right to vote on matters relating to the organisation.

7.5 The Register entries for all Members will be publicly available.

8. REGISTRATION OF GIFTS AND HOSPITALITY

8.1 A Member must within 28 days of receiving any gift or hospitality over the value of £25, that arises as a result of the Member's position on the organisation provide written notification to the Deputy Director (Performance & Resources) of the existence and nature of that gift or hospitality.

A Member who is required by another authority or employment to register their interests may submit a copy of this to the Deputy Director (Performance &

Resources) rather than recompleting the organisation's register. But they should append any necessary explanations to reflect the regional perspective.

9. BREACH OF CONDUCT

Allegations of a breach should be sent in writing to the Chair of the South West Councils and copied to the Chief Executive, or in the case of an allegation against the Chair then the Deputy Chair should be the first point of contact. The Chair or Deputy Chair in consultation with the Chief Executive would determine whether the allegation was substantial enough to establish a Standards Committee, drawing five Members of the South West Resources & Management Committee (one from each political group), to investigate and review any alleged breach in the Code of Conduct.

10. KEY CONTACT

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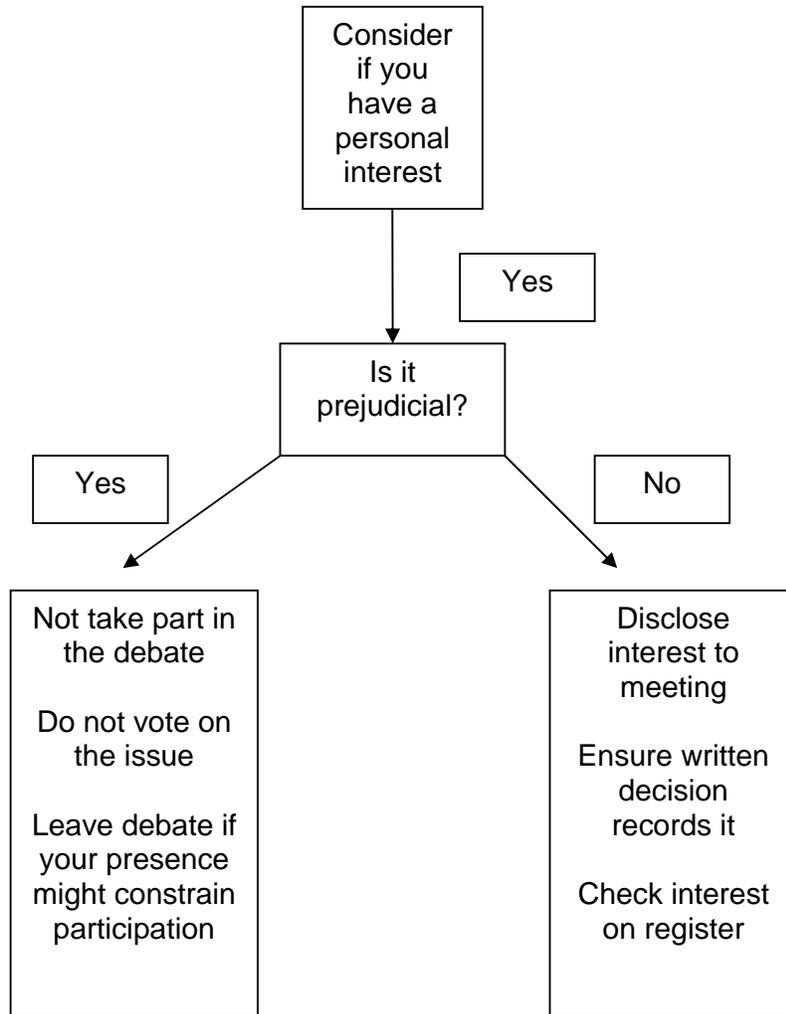
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Declaring an Interest Flowchart 1

Speaking and Voting at Meetings



Declaring an Interest Flowchart 2

Completing Register

