

## **BURNTWOOD TOWN COUNCIL CODE OF CONDUCT**

### **1. INTRODUCTION**

In accordance with the Localism Act 2011, section 27 Burntwood Town Council has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members<sup>1</sup> whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council. The Code of Conduct does not apply to what members do in their private and personal lives<sup>2</sup>.

#### **Conduct in public life**

When acting in your capacity as a member of Burntwood Town Council you must promote and support high standards of conduct. You shall have regard to the following principles:

#### **Selflessness**

You should act solely in terms of the public interest and should not seek to gain financial or other material benefits for yourself, your family, your friends, organisations or groups.

#### **Integrity**

You should not place yourself under any situation where your integrity may be questioned, you should not behave improperly and should avoid the appearance of such behaviour.

#### **Objectivity**

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

#### **Accountability**

You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate to your office.

#### **Openness**

You should be as open as possible about all the decisions and actions that you take. You should give reasons for your decisions and restrict information only when the wider public interest clearly demands.

#### **Honesty**

You have a duty to declare any private interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

1 For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

2 When in engaging in political activities such as canvassing for re-election members are not acting in their official capacity, and for the purposes of this Code of Conduct, such political activities are considered part of a member's private and personal life.

### **Leadership**

You must promote and maintain high standards of conduct by supporting these principles through leadership and by example and should act in a way that secures or preserves the confidence of others. You must have due regard to the impartiality and integrity of the authority's statutory officers and its other officers.<sup>3</sup>

## **3. MEMBER OBLIGATIONS**

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations.

1. He/she shall behave in such a way that a reasonable person would regard as respectful.
2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
3. He/she shall not seek to improperly confer an advantage or disadvantage on any person.
4. He/she shall use the resources of the Council in accordance with its requirements.
5. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.

### **Registration of interests**

Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register with the Monitoring Officer of Lichfield District Council the interests which fall within the categories set out in Appendices A and B.

6. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B.
7. A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.
8. If the nature of the interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you, or a person connected to you, being subject to violence or intimidation, the interest must not be included in any published version of the Register of

<sup>3</sup> Members may express themselves robustly in representing their or their constituents' views, although where a member engages in a sustained or systematic challenge of an officer which is unfounded or in any way unreasonable, such conduct would fall within the scope of this code.

Interests, or to be entered into any copy of the register that is made available to the public.<sup>4 5</sup>

### **Declaration of interests at meetings**

9. Where a matter arises at a meeting which relates to an interest in Appendix A the member shall not participate in a discussion or vote on the matter. He/she only must declare the nature of the interest at the meeting if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it.
10. Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.
11. Where a matter arises at a meeting which relates to an interest in Appendix B the member shall not vote on the matter. He/she may speak on the matter only if members of the public are not allowed to speak at the meeting.
12. A member only must declare an interest in Appendix B if it is not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter. If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.
13. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest in Appendix A), the member shall disclose the nature of the interest and not vote on the matter. He/she may speak on the matter only if members of public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

### **Dispensations**

14. On a written request made to the Council's proper officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if the member has an interest in Appendices A and B if the Council considers that:
  - (a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;

<sup>4</sup> Instead the Register of Interests may state that a member has an interest the detail of which are withheld under section 32(2) of the Localism Act 2011.

<sup>5</sup> If the member is required to disclose such an interest in a meeting, the member need not disclose the interest, but merely the fact that the member has a disclosable pecuniary interest in the matter concerned.

- (b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
- (c) granting the dispensation is in the interests of persons living in the authority's area,
- (d) it is otherwise appropriate to grant a dispensation.

**Allegations of a failure to comply with the Code of Conduct.**

15. All complaints alleging a failure to comply with the Code of Conduct will be considered in accordance with a procedure agreed by the Council.

**APPENDIX A**

Interests defined by regulations made under section 30(3) of the Localism Act 2011 and described in the table below.

<b>SUBJECT</b>	<b>DESCRIPTION</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 of the Code of Conduct for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her 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.
<b>Contracts</b>	Any contract made between the member or between his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a body in which such a person is a partner in a firm, a director or an incorporated body or holds the beneficial interest in securities*) and the Council:  (a) under which the goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
<b>Land</b>	Any beneficial interest in land which is within the area of the Council.
<b>Licences</b>	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
<b>Corporate Tenancies</b>	Any tenancy where (to the member's knowledge:  (a) the landlord is the Council; and (b) the tenant is a body in which the member, or his/her spouse or civil partner with whom the member is living as if they were spouses/civil partners has a beneficial interest.
<b>Securities</b>	Any beneficial interest in securities of a body where:  (a) that body (to the members knowledge) has a place of business or land in the area of the Council; and (b) either: (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (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.

\*'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.

**APPENDIX B**

An interest which relates to or is likely to affect:

- (i) any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- (ii) any body, other than another local authority:
  - (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 the member of the Council is a member or in a position of general control or management;

- (iii) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.