

MEMBERS' CODE OF CONDUCT

CODE OF CONDUCT FOR ELECTED AND CO-OPTED MEMBERS OF MELTON BOROUGH COUNCIL

Part 1: The Principles

As a member or co-opted member of Melton Borough Council you must have regard to the following principles in carrying out your duties, in accordance with the requirements of the Localism Act 2011:-

1. Selflessness.
2. Integrity.
3. Objectivity.
4. Accountability.
5. Openness.
6. Honesty.
7. Leadership.

More specifically that means observing the following rules of behaviour:-

Principle 1 – Selflessness

You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

Principle 2 – Integrity

You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

Principle 3 – Objectivity

When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

Principle 4 – Accountability

You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

Principles 5 and 6 – Openness and Honesty

You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.

You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in Part 3 of this Code.

You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the relevant legislation in existence at the time.

Principle 7 – Leadership

You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

These principles articulate the fundamental values of public service that underpin the conduct of members. The following provisions of the Code of Conduct for members are derived from those principles and provide a set of enforceable minimum standards for the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.

Part 2: General Provisions

Introduction and Interpretation

1. (1) This Code applies to **you** as a member of an authority.
- (2) You should read this Code together with the general principles set out above.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code –
 - “meeting” means any meeting of –
 - (a) the authority;
 - (b) any of the authority’s or its committees, subcommittees, joint committees, joint subcommittees, or area committees;
 - “member” includes a co-opted member.

Scope

2. (1) You must comply with this Code whenever you –
 - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed);

- (b) act, or claim to act or give the impression you are acting as a representative of your authority, and references to your official capacity are construed accordingly.
- (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 any of the equality enactments (as defined in section 33 of the Equality Act 2010);
 - (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 relevant legislation in existence at the time.
7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by officers of the Council acting pursuant to their statutory responsibilities.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 3: Interests

Notification of Interests

8. (1) You must, within 28 days of the adoption of this Code or of taking office as a member or co-opted member, notify the Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State. The regulations currently in force are attached but do not form part of the Constitution determined by the Council as they may be amended by the Government at any time.

[Note: the regulations currently in force apply where the disclosable pecuniary interest is yours, your spouse's or civil partner's or is the pecuniary interest of somebody with whom you are living as a husband or wife or as if you were civil partners.]

- (2) If a disclosable pecuniary interest, as defined above, has not been entered into the authority's Register upon notification under paragraph 8 (1), you must disclose the interest to any meeting of the authority at which you are present where you have a disclosable interest in any matter being considered and whether the matter is not a 'sensitive interest'. Following any such disclosure of an interest, you must notify the Monitoring Officer within 28 days beginning with the date of disclosure.
- (3) In addition to the disclosable pecuniary interests which are the subject of paragraph 8 (1) above, you must, within 28 days of:-
 - (a) this code being adopted by or applied to the authority; or
 - (b) your election or appointment to office (where that is later),notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the descriptions set out in paragraph 9 below for inclusion in the Register of Interests.
- (4) You must, within 28 days of becoming aware of any new interest or change to any interest to be registered under the requirements of paragraphs 8 (1) – (3), notify the Monitoring Officer of the details of that new interest or change.

Definition of Personal Interest

9. (1) You have a personal interest in any business of the 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 principle purposes including 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.

or

- (b) a decision in relation to that business might reasonably be regarded as affecting your wellbeing or financial position or the wellbeing or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers, or inhabitants of the electoral division or ward, as the case may be, affected by the decision.
- (2) For the purposes of paragraph 9 (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; or
 - (c) any person or body in whom such persons have a beneficial interest and a class of securities exceeding the nominal value of £25,000 or one hundredth of the total issued share capital of that body.

Definition of Pecuniary Interests

10. The Council has decided that in addition to disclosable pecuniary interests referred to in paragraph 8 (1) above, you also have a pecuniary interest if you have a personal interest in any business of the authority 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 and where that business:-
- (a) affects your financial position or the financial position of a person or body described in paragraph 9; or
 - (b) relates to the determination of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 9.

Disclosure of Interests

11. (1) Subject to sub-paragraph (2) where you have a personal interest in any business of your authority and where you are aware or ought reasonably to be aware of the existence of the personal interest and you attend a meeting of the authority where the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of the meeting and prior to any discussion of the relevant item, or as soon as the interest becomes apparent to you.
- (2) Where you have a personal interest, but, by virtue of paragraph 16 sensitive information relating to it is not registered in your authority's Register of Members Interests, you must indicate to the meeting that you

have a personal interest, but need not disclose the sensitive information to the meeting.

Non-Participation in Case of Disclosable Pecuniary Interest

12. (1) If you are present at any meeting of the authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting:-
- (a) you may not participate in any discussion of the matter at the meeting.
 - (b) you may not participate in any vote taken on the matter at the meeting.
 - (c) if the interest is not registered, you must disclose the interest to the meeting.
 - (d) if the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.
- (2) In addition, you are required to leave the room where the meeting is held while any discussion or voting takes place.

Non participation in case of other pecuniary interests

13. (1) Subject to paragraphs (2) and (3), where you have a pecuniary interest in any business of your authority –
- (a) you may not participate in any discussion of the matter at the meeting.
 - (b) you may not participate in any vote taken on the matter at the meeting.
 - (c) if the interest is not registered, you must disclose the interest to the meeting.
 - (d) if the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

[Note: In addition you are required to leave the room where the meeting is held while any discussion or voting takes place.

- (2) Where you have a pecuniary interest in any business of your authority, you may attend a meeting 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, and you leave the

room where the meeting is held immediately after making representations, answering questions or giving evidence.

- (3) Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a pecuniary interest that relates to the functions of your authority in respect of:-
- (a) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (b) 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;
 - (c) 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;
 - (d) an allowance, payment or indemnity given to members;
 - (e) any ceremonial honour given to members; and
 - (f) setting council tax or precept under the Local Government Finance Act 1992.
- (g) an interest arising from your membership of another local authority or parish council.

Dispensations

14. The Governance Committee may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a pecuniary interest, including a disclosable pecuniary interest.

Register of Interests

15. Any interest notified to the Monitoring Officer will be included in the Register of Interests. A copy of the Register will be available for public inspection and will be published on the authority's website.

Sensitive Interests

16. Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being the subject of violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the Register, copies of the Register that are made available for inspection and any published version of the Register will exclude details of the interest but may state that you have an interest, the details of which are withheld.

Gifts and Hospitality

- 17.** The Council has determined that as a matter of good practice you must also declare to the Monitoring Officer within 28 days the interest of any person from whom you have received, in connection with your official duties as a member, a gift or hospitality with an estimated value of at least £50.

Melton Borough Council

Members' Code of Conduct

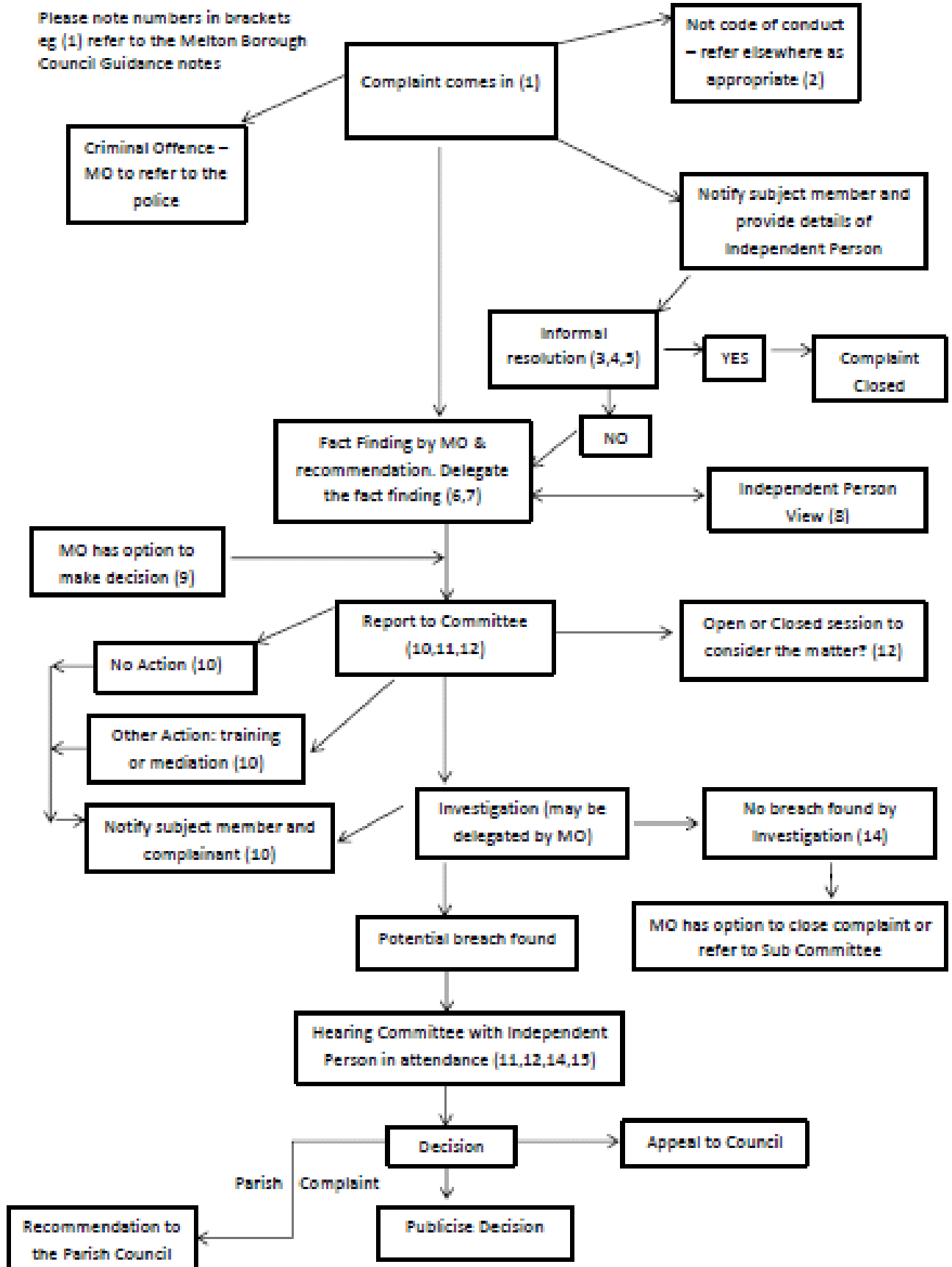
Member Code of Conduct Complaints Process

Explanatory Notes

- 1 These notes should be read in conjunction with the Complaints Flow chart (below) and the Member Code of Conduct. These notes are in the order of the flow chart. (The number on the notes relate to the number on the flow chart.)
- 2 The Monitoring Officer will decide if the complaint is a complaint under the Code of Conduct. If it is not, it will be referred elsewhere as appropriate.
- 3 Once a complaint is received the Monitoring Officer will try to facilitate an informal resolution where possible. The Monitoring Officer will not respond on behalf of the Member but will facilitate the process. If the Subject Member does not respond to the Monitoring Officers request to discuss the complaint (within 2 weeks) the Monitoring Officer may escalate the process without the Members involvement at this stage.
- 4 Informal resolution will be encouraged where practical and this may involve the Subject Member writing to the complainant with a view to try to resolve the complaint or another method to reach resolution. Any attempts at informal resolution may be used at the discretion of the Monitoring Officer to provide fact finding to the Sub Committee should it reach that stage.
- 5 The complaint papers at this stage are confidential and will not be disclosed publicly.
- 6 If the complainant is not satisfied with the attempt(s) at informal resolution then the Monitoring Officer will arrange fact finding.
- 7 Fact finding is not an investigation but gathering the facts immediately/ easily available to support or otherwise the complaint.
- 8 The view of the Independent Person will be sought and the Subject Member will be asked to provide their view and comment on the complaint.
- 9 The Monitoring Officer has discretion at this point not to refer to Sub Committee 1 but to make a decision to either take no action, other action or refer the complaint for investigation. The Monitoring Officer will consult the Independent Person and the Chair or Vice Chair as appropriate prior to making a decision at this stage.
- 10 This stage does not require the Monitoring Officer and/or Members to decide if a breach of the code of conduct has occurred.

- 11 If referred to the Sub Committee, Members who consider the complaint at this stage will not normally consider the complaint at Hearing Stage should it progress to that level.
- 12 Whereever possible the Meeting will be in public but the normal rules for exclusion of the public apply (1972 Act) as amended by Access to Information Act 1985.
- 13 If during or at the conclusion of the investigation it becomes obvious that there is no case to answer the Monitoring Officer will have discretion to close the complaint. This will be in consultation with the Independent Person and Chair or Vice Chair of Governance Committee.
- 14 The procedure for setting the hearing will be in line with the Council's agreed procedure. Where a potential breach of the code of conduct is found following investigation the procedure at hearing stage will apply. Where no breach is found the Monitoring Officer has discretion to close the complaint in consultation with the Independent Person and Chair or Vice Chair of Governance Committee or refer to Sub Committee 2. If no breach is found by the investigation normal Sub Committee procedures will apply not the Hearing Procedure.
- 15 The Sub Committee hearing the complaint at Hearing Stage will not normally be the same Members who considered it at the earlier stage. The Sub Committee will be quorate with three Members.

Melton Borough Council Member Complaints Process



Member Code of Conduct Governance Sub Committee 2 (Hearing Stage) Procedure

1.0 Introduction

- 1.1 The Chair of Governance Sub Committee 2 is appointed at the Annual Meeting of the Council. Should the Chair not be present at the meeting, an election for a Chair will be held at the start of the meeting which will be facilitated by the Monitoring Officer.
- 1.2 The Chair of the Governance Sub Committee (the Chair) will have the responsibility to manage the meeting in line with the following procedure.
- 1.3 The Chair will introduce those present and explain why they are there including any other person/representative. The Chair will explain that the purpose of the meeting is to consider whether the subject Member has breached the Code of Conduct. The Chair will explain how the Hearing will be conducted.
- 1.4 The Hearing will normally be in public unless deemed exempt under Access to Information legislation.
- 1.5 The Subject Member may be accompanied or represented at the Hearing.
- 1.6 The Monitoring Officer will advise the Sub Committee on matters of procedure.

2.0 Statement of Complaint

- 2.1 The Investigating Officer will state what the complaint is and outline the case briefly by going through the evidence that has been gathered without interruptions and call any witnesses.
- 2.2 Questions may be asked on evidence presented by Hearing Members and/or the Subject Member.
- 2.3 Questions must be put through the Chair.
- 2.4 The Subject Member is allowed to see any statements made by witnesses.

3.0 Subject Member's Reply

- 3.1 The Subject Member will be given the opportunity to state his/her case and answer any allegations that have been made, present evidence, call witnesses and also give any explanation for conduct and any special circumstances to be taken into account without interruptions.
- 3.2 Witnesses and/or the Subject Member may be asked questions on their evidence by Hearing Members and/or the Investigating Officer.
- 3.3 The questions must be put through the Chair.

3.4 The view of the Independent Person and Parish representative (where appropriate) will be considered.

4.0 General questions and discussion

4.1 The Hearing may be adjourned if further investigation is necessary or if appropriate at the request of the Subject Member.

4.2 The decision to adjourn is in line with normal Sub Committee rules.

5.0 Summing Up

5.1 The Investigating Officer will summarise the main points concerning the complaint.

5.2 The Subject Member will be given the opportunity to summarise the main points of their case.

5.3 The Subject Member will be given the opportunity to say anything further.

5.4 If the Chair at any time becomes satisfied that the Subject Member has provided an adequate explanation and there is no real evidence to support the allegations, the matter will be put to the vote and if appropriate proceedings will be stopped. If there is more than one allegation then that part satisfied shall be formally dispensed with.

5.5 The meeting may be adjourned by the Chair at any time if further investigation is necessary. The Chair may adjourn the meeting as needed.

5.6 The meeting may be adjourned prior to the decision being made.

5.7 The Monitoring Officer and/or Solicitor to the Council may accompany the Sub Committee at an adjournment at the request of the Sub Committee. Any advice given during the adjournment will be shared with the meeting on return.

6.0 Decision

6.1 The Chair will put forward the decision under normal sub |Committee rules and a vote will take place.

6.2 The decision will be announced.

6.3 Prior to any decision on censure the Subject Member will have an opportunity to put forward any mitigation.

7.0 Appeal

7.1 The Subject Member has 21 days to appeal against the decision to the Appeals Committee.