

**Gloucestershire
County
Council**

**Code of Conduct
for Members and Co-opted
Members**

together with

**The Rules for Registration of
Interests
and Conflicts of Interests**

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PART 1

The Code of Conduct for Members of Gloucestershire County Council

pursuant to Chapter 7 of the Localism Act 2011

I. Purpose of the Code

1. The Purpose of this Code of Conduct is to assist Members (including co-opted Members) in the discharge of their obligations to the Council, their local communities and the public at large by:
 - (1) setting out the standards of conduct that are expected of Members and co-opted Members of the Council when they are acting in that capacity, and in so doing
 - (2) providing the openness and accountability necessary to reinforce public confidence in the way in which Members perform those activities.

II. Scope of the Code

2. The Code applies to Members in all aspects of their activities as a Member, including when acting on Council business, division business or when otherwise purporting to act as a Member. It does not seek to regulate what Members do in their purely private and personal lives.
3. The obligations set out in this Code are complementary to those which apply to all Members by virtue of the procedural and other rules of the Council and the rulings of the Chair.
4. The obligations set out in this Code are also complementary to, and include those obligations which apply to Members falling within the scope of related Codes and Protocols of the Council, specifically.
 - the Member/Officer Relation Protocol
 - the Code of Conduct for Members and officers dealing with planning matters
 - the Acceptable ICT Usage Policy

III. Public Duties of Members

5. Members have a duty to uphold the law, including the general law against discrimination and the requirements of the Localism Act, and to act on all occasions in accordance with the public trust placed in them.
6. Members have an overriding duty to act in the interests of the County's area as a whole, but also have a special duty to represent the views of the residents and communities of their division.

IV. General Principles of Conduct

7. In carrying out their duties in exercising the functions of the Council or otherwise acting as a councillor, Members will be expected to observe the following general principles of conduct identified by the committee on Standards in Public Life in its First Report as applying to a holder of public office. These principles will be taken into consideration when any allegation is received of breaches of the provisions of the Code.

Selflessness

Holders of public office should take decisions 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 public office should not place themselves under any financial or other obligation to outside individuals or organisations that might 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.

V. Expectations of Conduct

8. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two at once, and in favour of the public interest.

9. Members shall at all times ensure that their use of expenses, allowances facilities and services provided from the public purse is strictly in accordance with the rules laid down on these matters, and that they observe any limits placed by the Council on the use of such expenses, allowances, facilities and services.
10. Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Council and never undertake any action which would bring the Council, or its Members or officers generally, into disrepute.

VI. Rules of Conduct

11. Members shall in particular observe the following rules when acting as a Member or co-opted Member of the Council:
 - (1) **Do** treat others with respect
 - (2) **Do** be aware of the requirements of the Bribery Act 2010 and that offences under the Act include the situation where a member accepts any financial advantage for an improper purpose
 - (3) **Do not** do anything which may cause the Council to breach any of the equality enactments (as defined in the Equality Act 2010)
 - (4) **Do not** bully any person
 - (5) **Do not** do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council
 - (6) **Do not** disclose information given to you in confidence by anyone, or information acquired by you which you believe, 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;

- (ii) 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
 - (iii) 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 Council
- (7) **Do not** prevent another person from gaining access to information to which that person is entitled by law
12. Members shall observe the following rules when using the resources of the Council, or authorising the use of those resources by others:
- (1) **Do** act in accordance with the authority's reasonable requirements including the requirements of the Council's IT policy and the policies as set out in this Code which you are deemed to have read;
 - (2) **Do** make sure that such resources are not used improperly for political purposes (including party political purposes); and
 - (3) **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986
 - (4) **Do not** improperly use knowledge gained solely as a result of your role as a Member for the advancement of your own interests.
13. Members shall observe the following rules when making decisions on behalf of or part of the Council:
- (1) **Do** have regard to any relevant advice provided to you by the Council's Chief Financial Officer and Monitoring Officer where such advice is offered pursuant to his or her statutory duties;
 - (2) **Do** give reasons for the decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

VII. Registration and Declaration of Interests

14. Members shall fulfil conscientiously the requirements of the Council in respect of the registration of interests in the Register of Members' Interests and, where it is required or appropriate to do so, shall always draw attention to any relevant interest in any proceedings of the Council or its Committees, or in any communications with the Council, its Members or officers, as required in Part 2.

VIII. Duties in respect of the Council's Hearings Panel and the Monitoring Officer

15. The application and guidance on the application of this Code shall be a matter for the Council and for the Council's Hearings Panel and, as appropriate, the Monitoring Officer, acting in accordance with their terms of reference.
16. Members shall co-operate, at all stages, with any investigation into their conduct by or under the authority of those persons and shall not seek to intimidate or influence any person who is or is likely to be a complainant, a witness or involved in the administration of any investigation or proceedings in relation to an allegation that a Member has failed to comply with the authority's code of conduct.
17. No Member shall lobby a member of the Council' Hearings Panel in a manner calculated or intended to influence their consideration of a complaint of a breach of this Code otherwise than in accordance with the arrangements laid down by the Council.

PART 2
Registration, Disclosure and Duties on Interests
held by Members and Co-opted Members of
Gloucestershire County Council

I. Registration of Interests

1. Do fulfil the requirements of the law and the Council in registering your interests in the Register of Members' Interests.
2. Do draw attention to any relevant interest, where it is required or appropriate to do so, in any proceeding of the Council or its Committees with which you are involved or in any communications with any colleague, officer or outside body in your role as a Member.
3. Do approach the Monitoring Officer if you feel that your interest should be treated as sensitive because it could lead to you, or a person connected with you, being subject to violence or intimidation.

Part A: Disclosable Pecuniary Interests

Such interests of:

- (1) the Member, or
- (2) the Member's spouse or civil partner, or
- (3) a person with whom the Member is living as husband and wife, or
- (4) a person with whom the Member is living as if they were civil partners and the Member is aware that that other person has the interest

Please note:

- any person mentioned in 2, 3 & 4 above is known as a "relevant person"
- "Member" includes co-opted Member

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority ¹) made or provided within the relevant period ² in respect of any expenses incurred the member in

¹ "relevant authority" means the authority of which the Member is a member

² "relevant period" means a period of 12 months ending on the day on which the Member gives a notification to the Monitoring Officer of any Disclosable Pecuniary Interest.

	carrying out duties as a member, or to divisions the election expenses of the member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body ³ 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.
Land⁴	Any beneficial interest in land which is within the area of the relevant authority NB This includes the property in which a member resides
Licences	Any licence to occupy land in the area of the relevant authority for a month or longer
Corporate tenancies	Any tenancy where to the member's knowledge (a) the landlord is the relevant authority; and (b) the tenant is a body ⁵ in which the relevant person has a beneficial interest
Securities⁶	(a) Any beneficial interest in securities of a body where (b) that body (to the member's knowledge) that has a place of business or land in the area of the relevant authority; and (c) either: (i) the total nominal value of the securities exceeds £25000 or 1/100 th 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 which exceeds 1/100 th of the total issued share capital of that class

PART B Other Interests (Gifts and Hospitality)

any gifts or hospitality worth more than an estimated value of £25 which the Member has received by virtue of his / her office.

Disclosure and Duties in Respect of Interests

1. Declaration of interests not included in the Register

- (1) **Do** ensure, if you have an interest that is not entered in the Council's register, that:

³ "body in which the member has a beneficial interest" means (a) a firm in which

³ "body in which the member has a beneficial interest" means (a) a firm in which the Member is a partner, or (b) a body corporate of which the Member is a director, or (c) in the securities of which the Member has a beneficial interest

⁴ "Land" excludes as easement, servitude, interest or right in or over land which does not carry with it a right for the Member to occupy the land or to receive income

⁵ See footnote 3

⁶ "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

- (a) where you are present at a meeting of the Council or of any committee, sub-committee, joint committee or joint sub-committee of the Council, you disclose the interest to the meeting (unless the Monitoring Officer considers that it is a sensitive interest); and
 - (b) you notify the Council's Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure (unless it is subject of a pending notification)
- (2) **Do** then act accordingly
 - (3) **Do** ensure that you register any interest not included in the Register within 28 days.

2. **Disclosable Pecuniary Interests**

- (1) **Do** ensure, where you
 - (a) are present at a meeting of the Council or of any committee, sub-committee, joint committee or joint sub-committee of the Council; and
 - (ii) are or become aware that you have a disclosable pecuniary interest in any matter to be considered or being considered, at the meeting,

that you

- **do not** participate, or participate further, in any discussion of the matter at the meeting; and
- **do not** participate in any vote, or further vote, taken on the matter at the meeting; and
- **leave** the meeting during discussion and voting

- (2) **Do** ensure, where you
 - (i) are to discharge a function of the Council acting alone, and
 - (ii) are or become aware that you have a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, in the course of discharging that function

that you

- **do not** take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the Member).

- (3) **Do** make a written request made to the Monitoring Officer if you consider it appropriate that the Council grant a dispensation relieving you from either or both of the restrictions in paragraph 2(1)
- (4) **Do** be aware that in respect of disclosable pecuniary interests, failing to act as required by the Localism Act (as outlined here) is a criminal offence.

3. **General**

- (1) Do act in accordance with the Council's Procedure Rules where you
 - (a) are present at a meeting of the Council or of any committee, sub-committee, joint committee or joint sub-committee of the Council;
 - (b) are or become aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, or being considered, at the meeting; and
 - (iii) leave the meeting during discussion and voting on the item.
- (2) Do base your conduct when acting as a Member on a consideration of the public interest, avoiding conflict between your personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.