

## Part 3 – Members' Code of Conduct

### 1. Application

This Code of Conduct applies to you whenever you are acting in your capacity as a member of Thurrock Borough Council, including:

- 1.1. at formal meetings of the Council, its Committees and Sub-Committees, its Cabinet and Cabinet Committees
- 1.2. when acting as a representative of the authority
- 1.3. in taking any decision as a Cabinet member or a Ward Councillor
- 1.4. in discharging your functions as a ward Councillor
- 1.5. at briefing meetings with officers and
- 1.6. at site visits
- 1.7. when corresponding with the authority other than in a private capacity

### 2. General Conduct

I understand that when I sign up to this Code I must comply with the following standards of conduct / behaviour,

- 2.1. To act solely in the public interest and never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for myself, my family, friend or close associates.
- 2.2. Not to place myself under a financial or other obligation to outside individuals or organisations that might seek to influence me in the performance of my official duties.
- 2.3. To make all decisions on merit when carrying out public duties, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits.
- 2.4. To be accountable for my decisions to the public and to co-operate fully with whatever scrutiny is appropriate to my office.
- 2.5. To be as open as possible about my decisions and actions and the decisions and actions of my authority and to be prepared to give reasons for those decisions and actions.
- 2.6. To register and declare any pecuniary and non-pecuniary interests, as set out in this Code.
- 2.7. When using or authorising the use by others of the resources of this authority, to ensure that such resources are not used improperly for political purposes (including party political purposes) and to have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 2.8. To behave in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures,

including on the use of the authority's resources and dealing with confidential information appropriately.

- 2.9. To value and respect colleagues, staff, partners and public, engaging with them in an appropriate manner that underpins the mutual respect between us that is essential to good local government and not to act in a manner that could be deemed as bullying, harassment or intimidation.
- 2.10. To promote and support high standards of conduct by leadership and by example

### **3. Disclosable Pecuniary Interests (see Appendix)**

You must:

- 3.1. comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest
- 3.2. ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests
- 3.3. make verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent
- 3.4. "Meeting" means any meeting organised by or on behalf of the authority, including:
  - 3.4.1. any meeting of the Council, or a Committee or Sub-Committee of Council
  - 3.4.2. any meeting of the Cabinet and any Committee of the Cabinet
  - 3.4.3. in taking a decision as a Ward Councillor or as a Member of the Cabinet
  - 3.4.4. at any briefing by officers
  - 3.4.5. at any site visit to do with business of the authority

### **4. Other Interests**

- 4.1. In addition to the requirements of Paragraph 3, if you attend a meeting at which any item of business is to be considered and you are aware that you have a "non-disclosable pecuniary interest or non-pecuniary interest" in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent
- 4.2. You have a "non-disclosable pecuniary interest or non-pecuniary interest" in an item of business of your authority where:
  - 4.2.1. a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater

extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or

- 4.2.2. it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code, but in respect of a member of your family (other than a "relevant person") or a person with whom you have a close association and that interest is not a disclosable pecuniary interest.

## **5. Gifts and Hospitality**

- 5.1. You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £100 which you have accepted as a member from any person or body other than the authority.
- 5.2. The Monitoring Officer will place your notification on a public register of gifts and hospitality.
- 5.3. This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.

## **6. Sensitive Interests**

- 6.1. Where a Member has any type of interest and the nature of the interest is such that the Member and the Monitoring Officer both consider that disclosure of the details of the interest could lead to the Member or a person connected with the Member being subjected to violence or intimidation:
- 6.2. The Register will not include details of the interest but may state that the Member has an interest about which details have been withheld and
- 6.3. Where required by this Code to declare the interest in a meeting, the Member may only declare the fact that s/he has an interest in the matter (s.32).

## **7. Dispensations from the Restriction from Participating and Voting in Meetings**

- 7.1. A member may apply for a dispensation from the requirement not to participate in or vote in respect of a matter at a meeting by written request to the Monitoring Officer (s.33).
- 7.2. The Monitoring Officer (or in his / her absence the Deputy Monitoring Officer) may agree the dispensation on behalf of the authority, where s/he considers, after having had regard to all relevant circumstances, the authority:
  - 7.2.1. that without the dispensation the number of persons prohibited by section 31(4) 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,

- 7.2.2. that 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,
  - 7.2.3. that granting the dispensation is in the interests of persons living in the authority's area,
  - 7.2.4. if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive, or
  - 7.2.5. that it is otherwise appropriate to grant a dispensation
- 7.3. The Monitoring Officer will grant the dispensation in writing citing the ground or grounds on which it is agreed and will be published on the Council's website within 7 days of the decision.
  - 7.4. The dispensation must be for a fixed time period not exceeding 4 years and will normally cover only a specific matter or meeting.
  - 7.5. A Member may seek a review of the Monitoring Officer's decision to the Standards and Audit Committee. The Monitoring Officer may choose to refer any application for a dispensation to the Standards and Audit Committee.

## Appendix – Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011. Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and it is either the interest of the Member; or is the interest of their spouse or civil partner; a person with whom the Member lives with husband or wife; or a person with whom the Member lives with as if they were a civil partner and the Member is aware that the other person in has the interest as follows.

Interest	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge):</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest</p>

Interest	Prescribed description
Securities	Any beneficial interest in securities of a body where:  (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; 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

For this purpose:

"the Act" means the Localism Act 2011;

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

"director" includes a member of the committee of management of an industrial and provident society;

"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

"M" means a member of a relevant authority;

"member" includes a co-opted member;

"relevant authority" means the authority of which M is a member;

"relevant period" means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

"relevant person" means M or any other person referred to in section 30(3) (b) of the Act;

"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.

## Declaring interests flowchart – questions to ask yourself

Breaching those parts identified as a pecuniary interest is potentially a criminal offence.

### Helpful reminders for members:

- is your register of interests up to date?
- in particular, have you declared to the Monitoring Officer all disclosable pecuniary interests?
- have you checked the register to ensure they have been recorded correctly?

### When should you declare an interest at a meeting?:

- **what matters are being discussed at the meeting?** including Council, Cabinet, committees, subs, joint committees and job subs; or
- if you are a Cabinet member making decisions other than in Cabinet, **what matter is before you for single member decision?**



### Is the business to be transacted at the meeting:

- **related to; or**
- **likely to affect**

**any of your registered interests and in particular any of your disclosable pecuniary interests?**

Disclosable pecuniary interests shall include your interests or those of:

- your spouse or civil partner
- a person you are living with as husband/wife
- a person you are living with as if you were civil partners

where you are aware that person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

**What is a non-pecuniary interest?** This is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonable regard to be so significant that it would materially impact upon your judgement of the public interest.

## Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to the sensitive) disclose the existence and the nature of the interest to the meeting.

If the interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register.

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- not participate or participate further in any discussion of the matter of the meeting
- not participate in any vote or further vote taken at the meeting
- leave the room while the item is being considered / voted upon

If you are a Cabinet member, you may make arrangements for the matter to be dealt with by a third person but take no further steps.

## Non-pecuniary

Declare the nature and extent of your interest, including enough detail to allow a member of the public to understand its nature.

You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.