

Part 5.1 - Members' Code of Conduct

Members of Winchester City Council have a responsibility to represent the community and work constructively with officers and partner organisations to secure better social, economic and environmental outcomes for all.

Introduction and Interpretation

1. This Code applies to you as a member of the City Council ('the authority').
2. It is your personal responsibility to comply with it. You should read this Code together with the general principles of public life on which it is based and which are set out at in the Code.
3. In this Code: 'meeting' means any meeting of:
 - a) The authority, the executive, any committees, sub-committee, joint committee, area or local committee;
 - b) Members in formal or informal meetings with other members and/or with officers relating to the business of the authority;
4. 'Member' includes a co-opted member and an appointed member.

If you need guidance on any aspect of this Code you should seek it from the Monitoring Officer or Deputy Monitoring Officer.

In accordance with the Localism Act 2011 provisions and the Seven Principles of Public Life (known as the Nolan Principles), when acting in this capacity members must commit to behaving in a manner that is consistent with the following principles to achieve best value for residents and maintain public confidence in this authority.

Selflessness

Holders of public office should act 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 seek to 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.

The Act further provides for registration and disclosure of interests and in Winchester City Council this will be done as follows. The Monitoring Officer is responsible for maintaining the register of Members' interests as set out in Section 29 (1) of the Localism Act 2011. Members are required to complete a register of Members' Interest form which should record the information set out below. In addition, Members have an obligation to declare interests as set out below:

1. Interests

1.1 Interests – Disclosable Pecuniary Interests

A Member, present at a meeting of the Council, or any committee, sub-committee, joint committee or joint sub-committee of the Council, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:

- a) Must not participate in any discussion of the matter at the meeting;
- b) Must not participate in any vote taken on the matter at the meeting;
- c) Must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
- d) If the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
- e) Must leave the room while any discussion or voting takes place, unless he or she has requested and obtained a written dispensation from the Council's Monitoring Officer in advance of the relevant meeting.

2. Register of interests

2.1 Disclosable Pecuniary Interests

Within 28 days of becoming a Member of the Council, each Member must register any Disclosable Pecuniary Interests (DPIs) he or she may have for publication in the Register of Members' Interests (and notify the Council's Monitoring Officer of any changes thereafter within 28 days). (See Appendix A to this Code.)

2.2 Non-Pecuniary Interests

Within 28 days of becoming a member of the Council, each member must register any Non-Pecuniary Interests (NPIs) (and notify the Council's Monitoring Officer of any changes thereafter within 28 days). These are such Non-Pecuniary Interests as from time to time are referred to on the Register of Members' Interest form. (These requirements are determined by the Council in its discretion or by legislation and statutory guidance. Members may participate in any discussions or debates relating to or concerning any NPIs after the date of registration. (See Appendix A to this Code)

2.3 Further General Guidance

- a) Each member must declare any DPIs or NPIs to a meeting where business is relevant to those interests, including those interests that are already registered with the Monitoring Officer or where registration is pending.
- b) Each member must register, within 28 days, any gifts or hospitality received in accordance with the instructions issued within the Council by the Monitoring Officer.
- c) The Council's Register of Interests will be available for inspection at the Council offices during normal office hours, and will be published on the Council's website.

3. **Sensitive interests**

Where a Member considers that disclosure of an interest could lead to that Member, or a person connected with them, being subject to violence or intimidation, and the Monitoring Officer agrees, the interest may be excluded from the register. The register may state that the member has an interest, the details of which are withheld.

4. **Member Conduct**

- 4.1 Each member of Winchester City Council should ensure that his or her conduct addresses the statutory principles of the code of conduct by:
 - a) Championing the needs of all residents – the whole community and in a special way his or her constituents, including those who did not vote for him or her - and putting the interests of residents first.
 - b) Dealing with representations or enquiries from residents, Members of our communities and visitors fairly, appropriately and impartially.
 - c) Not allowing other pressures, including the member's financial interests or financial interests of others connected to him or her, to deter from pursuing constituents' casework, the interests of the Council's area or the good governance of the Council in a proper manner.
 - d) Exercising independent judgement and not compromising his or her position by placing him or herself under obligations to outside individuals or organisations who might seek to influence the way in which the member performs his or her duties.

- e) Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- f) Being accountable for decisions and co-operating when scrutinised internally and externally, including by local residents.
- g) Contributing to making the Council's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding members to account, but restricting access to information when the wider public interest or the law requires it.
- h) Behaving in accordance with all legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures, including those relating to the use of the Council's resources.
- i) Valuing member colleagues and officers and engaging with them in an appropriate manner and one that underpins the mutual respect that is essential to good local government.
- j) Always treating people, organisations and the public with respect.
- k) Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within the Council.
- l) Having regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

4.2 Members must not:

- a) Do anything which may cause the Council to breach any of the Council's duties under the Equality Act 2010
- b) Bully any person;
Examples of bullying behaviour include:
 - i) Spreading malicious rumours, insulting someone by word or behaviour
 - ii) Copying memos that are critical about someone to others who do not need to know
 - iii) Ridiculing or demeaning someone – picking on them or setting them up to fail
 - iv) Exclusion or victimisation
 - v) Unfair treatment
 - vi) Overbearing supervision or other misuse of power or position
 - vii) Unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
 - viii) Making threats or comments about job security without foundation
 - ix) Deliberately undermining a competent worker by overloading and constant criticism
 - x) Preventing individuals progressing by intentionally blocking promotion or training opportunities

- 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 myself) has failed to comply with his or her Council'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, the Council. For the avoidance of doubt, any breach of the Member /Officer Protocol may be regarded as a breach of this Code.
- e) Disclose information provided in confidence by anyone, or information acquired which the member believes, or ought reasonably to be aware, is of a confidential nature, except where:
 - i) The member has the consent of a person authorised to give it;
 - ii) The member is 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 reasonable, in the public interest, made in good faith and in compliance with the reasonable requirements of the Council; or
- f) Prevent another person from gaining access to information to which that person is entitled by law
- g) Conduct him or herself in a manner which could reasonably be regarded as bringing his or her office or the Council into disrepute.
- h) Use or attempt to use his or her position as a member improperly to confer on or secure for themselves or any other person, an advantage or disadvantage; and
- i) When using or authorising the use by others of the resources of the Council
 - i) Act in accordance with the Council's reasonable requirements;
 - ii) Ensure that such resources are not used improperly for political purposes (including party political purposes).
- j) Publically criticise any member or officers' competence, conduct, judgement or performance of duties.

5. Contact with external bodies and contractors

Members should note the following guidance and comply accordingly.

- 1.1 On occasions, a Member may be involved not only in business meetings of external bodies to which they have been appointed by the Council but also with third party contractors and developers with which the Council has a relationship or is seeking to have one. Members may also be

approached by speculative developers. Members must be mindful of the scope and nature of any interventions with which they initiate or are involved in. There is a line between fact finding and awareness raising, and being drawn into a position of negotiating on behalf of the Council. Should the latter occur, or be necessary, the Member should ensure that an appropriate Council officer is in attendance to ensure a consistent and fair approach is taken across the Council. In some scenarios, a Member could potentially jeopardise contractual negotiations already underway or even expose the Council to legal challenge.

- 1.2 The officer in attendance should take brief notes of the purpose of the meeting, who was in attendance, when and where it took place, what was discussed and a note of actions arising from it. This should be made available to all parties as soon as possible after the meeting, and a central record kept that the meeting took place.

6. Decision Making

- 6.1 When reaching decisions on any matter Members must have regard to any relevant advice provided to them by:
 - a) The Council's s151 Officer; or
 - b) The Council's Monitoring Officer, where that officer is acting pursuant to his or her statutory duties.
- 6.2 Members must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

Appendix A - Part 1.

Description of categories of Disclosable Pecuniary Interests

A member has a Disclosable Pecuniary Interest in any business of the Council if it is of a description set out in 1 - 7 below and is either:

- a) An interest of the Member
- b) An interest of the Member's spouse or civil partner
- c) An interest of a person with whom the Member is living as husband and wife or as civil partners

And, in the case of paragraphs (b) and (c), the Member is aware that they have the interest.

In these descriptions the term "relevant person" is used to mean the individual as Member and any such person as set out in paragraphs b) and c).

1. Any employment, office, trade, profession or vocation carried on for profit or gain.
2. Any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred in carrying out their duties as a Member, or towards his or 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.
3. Any beneficial interest in securities of a body where –
 - i) That body (to his or her knowledge) has a place of business or land in the area of the Council and
 - ii) Either:
 - a) The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - b) 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.
4. Any contract which is made between the relevant person, or a body in which they have a beneficial interest, and the Council:
 - i) Under which goods or services are to be provided or works are to be executed; and
 - ii) Which has not been fully discharged.
5. Any beneficial interest in any land in the Council's area.

6. Any tenancy where to the Member's knowledge:
 - a) The landlord is the Council and
 - b) The tenant is a body in which a relevant person has a beneficial interest.

7. Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.

Part 2 - Description of categories of Non Pecuniary Interests

- 1) Membership of any body of which he or she is a member or in a position of general control or management and to which he or she appointed or nominated by the Council;

- 2) Membership of any body
 - a) Exercising functions of a public nature (such as another Local Authority);
 - 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 he or she is a member or in a position of general control or management
 - d) Any close friend or relative entering or seeking to enter into a contractual arrangement in any capacity with the Council

- 3) Any person from whom the Member has received a gift or hospitality with an estimated value of at least £50.