

Members' Code Of Conduct

1. Introduction and Interpretation

1.1 This Code applies to you as a Member of Woking Borough Council ("the Council") when you act in your role as a Member.

1.2 This Code is based on, and is consistent with, the principles of public life set out in Section 28 of the Localism Act 2011: -

Selflessness

Integrity

Objectivity

Accountability

Openness

Honesty

Leadership

1.3 These principles define the standards that Members should uphold, and serve as a reminder of the purpose of the Code of Conduct. The principles can be defined as follows:

- Selflessness: Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
- Integrity: Members should not place themselves in situations where their integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.
- Objectivity: Members should take decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
- Accountability: Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with any scrutiny appropriate to their particular office.
- Openness: Members should be as open as possible about their actions and those of the Council, and should be prepared to give reasons for those actions.
- Honesty: Members should not place themselves in situations where their honesty may be questioned.
- Leadership: Members should promote and support these principles by leadership and by example, and should act in a way that secures or preserves public confidence.

1.4 It is your responsibility to comply with the provisions of this Code.

1.5 In this Code –

"meeting" means any meeting of

- (a) the Council;
- (b) the Executive;
- (c) any of the Council's or the Executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"Member" includes a co-opted member.

2. General Obligations

- 2.1 **Do** treat others with respect. In particular, you should promote equality by not discriminating unlawfully against any person, and by treating people with respect regardless of their race, age, religion, gender, sexual orientation or disability. You should also respect the impartiality and integrity of the Council's statutory officers and its other employees.
- 2.2 **Do not** conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by Members or the principles contained in Section 28 of the Localism Act 2011 (see paragraphs 1.2 and 1.3 above).
- 2.3 **Do not** 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 legal advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:
 - (a) reasonable and in the public interest;
 - (b) made in good faith and in compliance with the reasonable requirements of the Council; and
 - (c) you have consulted the Monitoring Officer or taken other independent legal advice prior to its release.
- 2.4 **Do not** prevent another person from gaining access to information to which that person is entitled by law.
- 2.5 **Do 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.
- 2.6 **Do** comply with any Member Protocols that the Council has resolved should be the subject of this paragraph.

3. Gifts and Hospitality

- 3.1 **Do** exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Member.

3.2 **Do not** accept significant gifts or hospitality from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage.

3.3 **Do** register with the Monitoring Officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.

4 Registration of Interests

4.1 **Do** notify the Monitoring Officer of your disclosable pecuniary interests, or other interests which the Council has decided are appropriate for registration, within 28 days of being elected or appointed to office.

4.2 **Do** notify the Monitoring Officer of any change in your disclosable pecuniary interests, or other interests which the Council has decided are appropriate for registration, within 28 days of the change taking effect.

4.3 **Do** notify the Monitoring Officer of any disclosable pecuniary interests, or other interests which the Council has decided are appropriate for registration, not already registered within 28 days of your re-election or re-appointment to office.

4.4 **Do** be aware that disclosable pecuniary interests include not only your interests but also the interests of your spouse or civil partner, a person with whom you are living as husband or wife or a person with whom you are living as if they were a civil partner, so far as you are aware of the interests of that person.

4.5 **Do** be aware that the Council has decided that it is appropriate for you to register and disclose non-pecuniary interests that arise from your membership of, or your occupation of a position of general control or management in, the following bodies:

- (i) bodies to which you have been appointed or nominated by the Council;
- (ii) bodies exercising functions of a public nature;
- (iii) bodies directed to charitable purposes;
- (iv) bodies one of whose principal purposes includes the influence of public opinion or policy.

Note: "Disclosable pecuniary interests" means interests defined as such in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (copy attached).

5 Disclosure of Interests and Participation

5.1 **Do** disclose to a meeting at which you are present any disclosable pecuniary interest, or (save for membership of another local authority) other interest which the Council has decided is appropriate for registration.

5.2 **Do** notify the Monitoring Officer of any disclosable pecuniary interest, or other interest which the Council has decided is appropriate for registration, not already registered that is disclosed to a meeting under paragraph 6(1) above within 28 days of the disclosure.

5.3 **Do not** participate in any discussion, or vote, where you have a disclosable pecuniary interest in a matter. **Do** withdraw from the meeting during the consideration of the matter.

- 5.4 Applications for a dispensation under Section 33 of the Localism Act 2011 (allowing a Member to participate in an item in which he/she has a disclosable pecuniary interest) shall be made to, and determined by, the Monitoring Officer.

Adopted by Woking Borough Council on 28 June 2012 with effect from 1 July 2012.

Amended by Woking Borough Council on 24 October 2013.

2012 No. 1464

LOCAL GOVERNMENT, ENGLAND

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

<i>Made</i> - - - -	<i>6th June 2012</i>
<i>Laid before Parliament</i>	<i>8th June 2012</i>
<i>Coming into force</i> - -	<i>1st July 2012</i>

The Secretary of State, in exercise of the powers conferred by sections 30(3) and 235(2) of the Localism Act 2011(1), makes the following Regulations.

Citation, commencement and interpretation

1.— (1) These Regulations may be cited as the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and shall come into force on 1st July 2012.

(2) In these regulations—

“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 section 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(2) and other securities of any description, other than money deposited with a building society.

(1) 2011 c.20.
(2) 2000 c. 8.

Specified pecuniary interests

2. The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Act are the interests specified in the second column of the Schedule to these Regulations.

Signed by authority of the Secretary of State for Communities and Local Government

Grant Shapps
Minister of State

6th June 2012

Department for Communities and Local Government

SCHEDULE

Regulation 2

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	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(3).</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>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one</p>

(3) 1992 c. 52.

- 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.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 30 of the Localism Act 2011 provides that a member or co-opted member of a relevant authority as defined in section 27(6) of the Localism Act 2011, on taking office and in the circumstances set out in section 31, must notify the authority's monitoring officer of any disclosable pecuniary interest which that person has at the time of notification. These Regulations specify what is a pecuniary interest. Section 30(3) of the Act sets out the circumstances in which such an interest is a disclosable interest.

A full impact assessment has not been produced for these Regulations as no impact on the private or voluntary sectors is foreseen.

