

Code of Conduct for Councillors

1. Application

This Code of Conduct applies to you whenever you are acting in your capacity as a Councillor of City of Wolverhampton Council, including:-

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

2 General Conduct

You must:-

- 2.1 provide leadership to the Council and communities within its area by personal example and
- 2.2 respect others and not bully any person
- 2.3 recognise that employees (other than political assistants) are employed by and serve the whole Council
- 2.4 respect the confidentiality of information which you receive as a Councillor –
 - a. not disclosing confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so; and
 - b. not obstructing third parties' legal rights of access to information
- 2.5 not conduct yourself in a manner which is likely to bring the Council into disrepute
- 2.6 use your position as a Councillor in the public interest and not for personal advantage
- 2.7 accord with the Council's reasonable rules on the use of public resources for private and political purposes

Code of Conduct for Councillors

- 2.8 exercise your own independent judgement, taking decisions for good and substantial reasons –
- a. attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups
 - b. paying due regard to the advice of officers, and in particular to the advice of the statutory officers, namely the Head of Paid Service, the S.151 Officer and the Monitoring Officer and
 - c. stating the reasons for your decisions where those reasons are not otherwise apparent
- 2.9 account for your actions, particularly by supporting the Council's scrutiny function
- 2.10 ensure that the Council acts within the law.

3 Disclosable Pecuniary Interests

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 Council, including –
- a. any meeting of the Council, or a Committee or Sub-Committee of Council
 - b. any meeting of the Cabinet and any Cabinet Panel meeting
 - c. in taking a decision as a Cabinet Member
 - d. at any briefing by employees; and
 - e. at any site visit to do with business of the Council

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 Council where –
- a. 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 Council’s administrative area, or
 - b. 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 £50 which you have accepted as a Councillor from any person or body other than the Council.
- 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 Council for this purpose.

6. Disclosure and Barring Service (DBS) Checks

- 6.1 The Council takes its safeguarding responsibilities seriously. To this end, on 15 October 2013, Cabinet (Resources) Panel decided that criminal records checks would be carried out for all Councillors following election. Enhanced checks will be carried out for those Councillors who may, by virtue of their particular responsibilities, have unsupervised contact with children. (As of June 2015, this applied to the Cabinet Member for Children and Young People, the Cabinet Member for Education, and members of the Corporate Parenting Panel. This list will be amended, as necessary, by the Head of Paid Service and the Monitoring Officer.) Standard checks will be carried out for all other Councillors.

Code of Conduct for Councillors

- 6.2 Checks will be carried out every four years (normally to coincide with election or re-election). In the case of a by-election, a check will be carried out at the time of election and then again if the Councillor is re-elected, unless that date is within 12 months of the original check. Additional checks may be carried out for any Councillor at the discretion of the Head of Paid Service and the Monitoring Officer.
- 6.3 The Council recognises that information released in DBS certificates can be extremely sensitive and personal. Receipt, handling and consideration of the certificates will therefore be carried out in accordance with the Disclosure and Barring Service's code of practice.

Code of Conduct for Councillors

Appendix

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a Councillor 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 as follows:-

<i>Interest</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 Councillor, 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>
Securities	Any beneficial interest in securities of a body where—

Code of Conduct for Councillors

- (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 Councillor;

“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.