

Code of Conduct for Councillors of City of Wolverhampton Council

1. Purpose of the Code

- 1.1 The purpose of this Code of Conduct is to assist you in the discharge of your obligations as a Councillor to both the Council, local communities and the public at large by:
- a. setting out the standards of conduct that are expected of you when you are acting in that capacity, and in so doing
 - b. providing the openness and accountability necessary to reinforce public confidence in the way in which you perform those activities.
- 1.2 The Code also applies to co-opted members of Council Committees who are entitled to vote on any issues coming before those Committees.

2. Scope of the Code

- 2.1 The Code applies to you in all aspects of your activities as a Councillor, including (but not limited to): -
- a. at formal meetings of the Council
 - b. when acting as a representative of the Council
 - c. in taking any decision as a Cabinet Member, Committee Member or Panel Member
 - d. in discharging your functions as a Ward Councillor
 - e. at briefing meetings with Council Employees
 - f. at site visits
 - g. when purporting to act as a Councillor
- 2.2 This Code **are is** complementary to any related Codes and Protocols of the Council within the Council's Constitution and elsewhere. It does not seek to regulate what you do in your private and personal **life**.
- 2.3 References to committees or meetings of the Council within this Code also refer to Council, Cabinet, sub-committees, panels and working groups, as well as joint-committees.

3. Public Duties of Councillors

- 3.1 You 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 you.
- 3.2 You have an overriding duty to act in the interests of the City of Wolverhampton Council area as a whole, but also have a duty to represent the views of all residents of your ward.

4.0 General Principles of Conduct

- 4.1 In carrying out your duties, in or exercising the functions of the Council, or otherwise acting as a Councillor, you will be expected to observe the following general principles of conduct. These principles will be taken into consideration when any allegation is received of breaches of the provisions of the Code.

4.2 *Selflessness*

You should take decisions solely in terms of the public interest. You should not seek to gain financial or other material benefits for yourself, your family, or friends.

4.3 *Integrity*

You should not place yourself under any financial or other obligation to outside individuals or organisations that might influence you in the performance of your official duties.

4.4 *Objectivity*

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, you should make choices on merit.

4.5 *Accountability*

You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate to your office.

4.6 *Openness*

You should be as open as possible about all the decisions and actions that you take. You should give reasons for your decisions and restrict information only when the wider public interest clearly demands.

4.7 *Honesty*

You have a duty to declare any private interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

4.8 *Respect for Others*

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 respect the impartial role of the Council's statutory officers, and its other employees.

4.9 Leadership

You should promote and support these principles by leadership and example.

4.10 Stewardship

You should do whatever you are able to do, to ensure that the Council uses its resources prudently and in accordance with the law.

5.0 Expectations of Conduct

5.1 You shall base your conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, immediately in favour of the public interest.

5.2 You shall at all times ensure that your 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 you observe any limits placed by the Council on the use of such expenses, allowances, facilities and services.

5.3 You shall complete any mandatory training required for your role as a Councillor or any committees to which you are appointed.

5.4 You shall at all times conduct yourself in a manner which will 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, you, other Councillors or employees generally, into dispute.

6. Rules of Conduct

6.1 You shall observe the following rules when acting as a Councillor or co-opted Member of the Council:

1. You must treat others with respect and courtesy.

2. You must not -

a. Do anything which may cause the Council to breach any of its equality duties

b. Bully any person;

c. Do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your council.

d. Lobby, intimidate or attempt to lobby or intimidate any person who is or is likely to be:

i. a complainant,

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- ii. a witness, or
 - iii. involved in the administration or determination of any investigation or proceedings in relation to an allegation that a member (including yourself) has failed to comply with his or her council's code of conduct; or
3. You should not use or attempt to use your position as a councillor improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;
4. You must 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; and
 - b. made in good faith and in compliance with the reasonable requirements of the council
5. You must not prevent any person from gaining access to information to which that person is entitled by law.
6. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or council into disrepute.
7. You shall observe the following rules when using the resources of the Council, or authorising the use of those resources by others:
 - a. Act in accordance with the Council's reasonable requirements including the requirements of its ICT policy and the policies listed in the Constitution which you are deemed to have read and understood.
 - b. Ensure that such resources are not used improperly for political purposes (including party political purposes);
 - c. Have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
8. You shall observe the following rules when making decisions on behalf of or as part of the Council:

- a. Have regard to any relevant advice provided to you by the Council's Section 151 Officer and Monitoring Officer where such advice is offered pursuant to their statutory duties.
- b. Give reasons for the decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.
- c. Have regard to the rules and any advice on the registration and disclosure of interests as set out in this Code.

7.0 Declaration of Interests

- 7.1 You shall conscientiously abide by 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 proceeding of the Council or its Committees, or in any communications with the Council, its Members or officers.
- 7.2 Such disclosures must be made even if the interest has already been included on the Register of Interests or where there is a notification pending to the Monitoring Officer.
- 7.3 These interests extend to those of your spouse, partner, civil partner, family members or persons with whom you have a close association or personal relationship and you are aware that they have the interest.

8.0 Duties in respect of the Council's Standards Committee and the Monitoring Officer

- 8.1 The application and guidance on this Code shall be a matter for the Council and for the Standards Committee and, as appropriate, the Monitoring Officer, acting in accordance with their terms of reference.
- 8.2 You shall co-operate, at all stages, with any investigation into your conduct by the Council or those persons acting on its behalf. Failure to do so is likely to be a breach of this Code.
- 8.3 All complaints will be dealt with according to the Council's Procedure for Handling Complaints against Councillors and Co-opted Members.

9.0 Registration of Interests

- 9.1 You must comply with the requirements of the law and the Council in registering your interests in the Register of Councillor's Interests. These are explained below. These interests extend to those of your spouse, partner, civil partner, family members or persons with whom you have a close association or personal relationship.
- 9.2 When considering registering or disclosing any interests, you should ask yourself: "Would a member of the public, with knowledge of the relevant facts,

reasonably regard your interest as so significant that it is likely to prejudice your judgement of the public interest? “

If the answer to this question is “yes”, then you should disclose that interest.

- 9.3 Within 28 days of becoming a member of the Council, or of knowing you have a disclosable pecuniary interest, you must notify the Monitoring Officer. You must also 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.
- 9.4 You should consult the Council’s 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. If it is agreed that you have such an interest, you will be obliged to register it, but details will not be disclosed in the published version of the register. Similarly, when at a meeting, you only need to state the fact that you have a disclosable interest, and not details of the interest itself.

9.0 — Other Interests

- 9.1 — 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
- 9.2 — For the avoidance of doubt 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.

10.0 Memberships

- 10.1 In addition, this Code requires you to disclose any interests in any business of the Council where it relates to, or is likely to affect, either:

a. anybody or organisation of which you are a member, or in a position of general control or management, and to which you are appointed or nominated by your Council:

b. anybody or organisation which exercises functions of a public nature, is directed to charitable purposes, or has a primary purpose of influencing public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

11.0 Disclosable Pecuniary Interests

11.1 The appendix details what constitutes to a pecuniary interest.

11.2 Where you

a. are present at a meeting of the council and

b. have, or become aware that you have, a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting,

You must

c. not participate, or participate further, in any discussion of the matter at the meeting

d. not participate in any vote, or further vote, taken on the matter at the meeting

e. leave the room until the conclusion of the matter under discussion

11.3 Where you are an executive member taking a portfolio decision and are aware you have a disclosable pecuniary interest, you must notify the Monitoring Officer of that interest within 28 days and take no action in respect of the matter other than refer to another executive member to take the decision.

11.4 Where you have taken a portfolio decision that is subsequently discussed at a meeting of the Council, you must not try to influence the outcome of that discussion or take any further part in the proceedings unless answering questions to facilitate those discussions.

11.5 If you have a disclosable pecuniary interest in a matter coming before a meeting of the Council, you can make a written request to the Monitoring Officer beforehand for a dispensation, which may allow you to participate in the discussion and vote.

A dispensation may be granted in the following circumstances:

a. Where members of the decision-making body have disclosable pecuniary interests in a matter that would “impede the transaction of the business”

- b. That without the dispensation, the representation of different political groups on the body conducting the business would be so upset as to alter the outcome of any vote on the matter
- c. That the council considers that the dispensation is in the interest of persons living in the council's area
- d. That the council considers that it is otherwise appropriate to grant a dispensation.

Any grant of dispensation must specify how long it will last, up to a maximum of 4 years.

Dispensations under (a) and (b) above shall be decided by the Monitoring Officer, with the right of appeal to the Standards Committee. Those in (c) and (d) shall be considered by the Standards Committee, after consultation with the Independent Person(s).

The following standard exemptions in relation to the granting of dispensations, in relation to members' allowances, business rates, plus housing matters and rents have been agreed by the Councillor Conduct Committee:

- (i) An allowance, payment or indemnity given to members or any ceremonial honour given to members.
- (ii) Setting a local scheme for the payment of business rates, including eligibility for rebates and reductions, for the purposes of the Local Government Finance Act 2012 as amended from time to time and any superseding legislation.
- (iii) Housing matters and rents (provided that those functions do not relate particularly to the member's tenancy or lease).

- 11.6 Failure to register a disclosable pecuniary interest could be a breach of the Code and a criminal offence. You must register all such interests relating to you, your spouse, civil partner or partner.
- 11.7 If a disclosable pecuniary interest arises in relation to your family member or person with whom you have a close association or personal relationship, and you are aware that they have the interest, you must disclose and register that interest. Failure to do so could be in breach of this Code.
- 11.8 If you fail to comply with the Code of Conduct (whether or not the finding is made in accordance with the Council's agreed arrangements) the Council Standards Committee may have regard to that failure in deciding:
 - a. whether to take action in relation to you, and
 - b. what action to take.

12.0 Non-Pecuniary Interests

12.1 Non-disclosable Pecuniary Interests or non-pecuniary interest are other interests that would qualify as grounds for bias in an application to quash a decision of the Council. 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.

13.0 Gifts and Hospitality

13.1 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.

13.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.

~~13.3 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.~~

14.0 Disclosure and Barring Service (DBS) Checks

14.1 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.

14.2 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.

14.3 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.

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—

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- (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.