

Code of Conduct for Members

1 Application

1.1 This Code applies to you as a member of Kirklees Council (“the authority”) and it is your personal responsibility to comply with the requirements of this Code. This Code **sets out the standards of behaviour required of you** and applies to you whenever you act in the capacity of an elected or co-opted member of the authority, including –

- 1.1.1 at meetings of the authority
- 1.1.2 when acting as a representative of the authority
- 1.1.3 in taking any decision as a Cabinet member or a Ward Councillor
- 1.1.4 in discharging your functions as a Ward Councillor
- 1.1.5 at briefing meetings with officers and
- 1.1.6 at site visits
- 1.1.7 when corresponding with the authority other than in a private capacity

1.2 Where you act as a representative of your authority on another local authority, you must, when acting for that other authority, comply with that other authority’s code of conduct.

1.3 Where you act as a representative of your authority on a body which is not another local authority you must, when acting for that other body, comply with this Code, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

2 Interpretation

For the purposes of this Code –

2.1 “member of the authority” includes:

- 2.1.1 elected members; and
- 2.1.2 co-opted members who are entitled to vote on any questions which fall to be determined by the committees, sub-committees, joint committee, joint subcommittees or area committees upon which they sit.

2.2 “meeting” means any meeting of:

- 2.2.1 the authority;
- 2.2.2 the executive of the authority; or
- 2.2.3 any of the authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees or area committees.

2.3 “body” means any body of which you are a member or in a position of general control or management and –

- 2.3.1 to which you are appointed or nominated by your authority; or
- 2.3.2 which is a body –

- (a) exercising functions of a public nature; or
- (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).

2.4 “relevant person” for the purposes of paragraph 5 of this Code means any person or body with whom you have a family, social or business relationship.

3 General Principles

Your conduct as a member should be consistent with the following principles –

3.1 Preamble

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, Non-Departmental Public Bodies, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

3.2 Selflessness

Holders of public office should act solely in terms of the public interest.

3.3 Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3.4 Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

3.5 Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

3.6 Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

3.7 Honesty

Holders of public office should be truthful.

3.8 Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

3A General Principles and Obligations

1. You must treat others with respect
2. You must not bully or intimidate any person, or attempt to bully or intimidate them
3. You must not conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of behaviour
4. You must not do anything which may cause the Council to breach any of the equality duties. This includes refraining from behaviour or comments which might reasonably be regarded as being racist, sexist or otherwise discriminatory towards other people
5. You must not conduct yourself in a manner which would reasonably be regarded as bringing the Council into disrepute, or your position as a Councillor into disrepute
6. You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably be aware, is of a confidential nature, except where:-
 - (i) You have the consent of a person authorised to give it;
 - (ii) You are require by law to do so;
 - (iii) The disclosure is made by a third party for the purposes 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 authority; and
 - (C) You have consulted the Monitoring Office prior to its release
7. You must not prevent another person gaining access to information which that person is entitled to by law
8. You must be clear when communicating with the media or speaking in public that you do not give the impression you are acting in an official capacity when you are not. Nor should you express your own views in a way which misleads anyone reading or listening that it is official or agreed policy or position of the Council when it is your own personal view or those of a political party or group of people which you are a member
9. You must respect the impartiality and integrity of the authority's statutory officers and its other employees. You must not do anything which compromises the impartiality and integrity of anyone who works for or on behalf of the Council, or do anything that is likely to compromise their impartiality and integrity
10. When you use or authorise the use by others of the resources of the Council you must:

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- (i) Abide by the Council's reasonable requirements; and
- (ii) Ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (iii) Have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986

11. You must co-operate with the Standards process when you are the subject of a complaint and respond to a complaint that is brought against you, except where there are extenuating circumstances

12. You must comply with the decision of the Standards process if you are found to be in breach of this Code of Conduct

13. You must comply with the standards as described in the Council's Behaviours and in particular the protocol on Member/Officer Relations as well as all other relevant policies and guidance related to standards of appropriate behaviour and responsibilities from time to time agreed by the Council or which the Council is required to comply with or have appropriate regard to

14. You must comply with the rules and procedures of meetings you attend. This includes compliance with the Council's Standing Orders and the authority and rulings of the Mayor or Chair.

15. When reaching decisions on any matter you must have regard to any relevant advice provided to you by the Council's –
(a) chief finance officer (the statutory s.151 Officer); or
(b) monitoring officer (the Service Director of Legal, Governance and Commissioning),
where that officer is acting pursuant to his or her statutory duties.

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4 Disclosable Pecuniary Interests

4.1 Disclosable Pecuniary Interests ("DPs") are those interests defined as such in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 ("the 2012 Regulations") or in any subsequent regulations which amend, vary or revoke the 2012 Regulations. For the purposes of illustration only, a summary of the 2012 Regulations is set out in the Schedule to this Code of Conduct.

4.2 You must, within 28 days of:

- 4.2.1 adoption of this Code of Conduct by the authority; or
- 4.2.2 taking office as a member or co-opted member of the authority notify the authority's Monitoring Officer of any DPI, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

4.3 When you are present at a meeting of the authority and you have a DPI in any matter to be considered or being considered at the meeting, and where the matter does not relate to 'sensitive information' as defined below, you must disclose the existence and nature of the interest to the meeting.

4.4 Following any disclosure of a DPI not on the authority's register or the subject of pending notification, you must notify the authority's Monitoring Officer of that interest within 28 days beginning with the date of disclosure.

4.5 Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a DPI and must withdraw from the meeting while the matter is under consideration.

4.6 You must within 28 days of becoming aware of any new DPI or the need to change or update a current DPI registration, notify the authority's Monitoring Officer of those new or revised register entries.

5 Interests which are not Disclosable Pecuniary Interests (Other Interests)

~~5.1 You also have an interest in any business of your authority if you attend a meeting at which any item of business is to be considered and you are aware that you have an interest that does not amount to a DPI. You will have an 'Other' interest where a decision in relation to that business~~

- ~~—— 5.1.1 relates to or is likely to affect any body of which you are a member or in a position of general control or management; or~~
- ~~—— 5.1.2 which might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.~~

~~5.2 You must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.~~

~~5.3 You do not have an interest for the purposes of paragraph 5.1 unless the interest is only have an 'Other' interest if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.~~

~~5.1 In addition to the requirements relating to DPIs, if you attend a meeting at which any item of business is to be considered and you are aware that you have an interest which does not amount to a DPI you must make a 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.~~

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5.2 You have an Other interest where –

(a) a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation 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

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(b) it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

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5.2 In such circumstances you must consider whether your continued participation in the matter relating to your interest would be reasonable in the circumstances, particularly if the interest may give rise to a perception of a conflict of interests in the matter under discussion.

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5.3 You do not have an Other ~~'Other'~~ interest if the interest relates to any business of the authority in respect of –

- 5.3.1 housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
- 5.3.2 school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- 5.3.3 statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- 5.3.4 an allowance, payment or indemnity given to members;
- 5.3.5 any ceremonial honour given to members; and
- 5.3.6 setting council tax or a precept under the Local Government Finance Act 1992.

~~5.5 You must withdraw from the meeting where your interest is one—~~

- ~~5.5.1 which relates to the determining of any approval, consent, licence, permission or registration in relation to you or a relevant person; or~~
- ~~5.5.2 affects your financial position or the financial position of a relevant person you must also withdraw from the meeting while the matter is under consideration.~~

~~5.6 You only need to declare or withdraw from a meeting where you are aware or ought reasonably to be aware of the existence of the interest.~~

~~5.7 Where you have an interest which is not a DPI but, by virtue of paragraph 6, information relating to the interest is sensitive information you must indicate to the meeting that you have an interest, but need not to disclose the sensitive information to the meeting.~~

~~5.8 Where you have an interest which is not a DPI in any business of your authority and you are—~~

- ~~5.8.1 a member of a body making an executive decision;~~
- ~~5.8.2 an individual member making an executive decision; or~~
- ~~5.8.3 a member consulted by an officer making an executive decision in relation to that business you must ensure that any written statement of that decision records the existence and nature of that interest.~~

~~5.9 For the purposes of paragraph 5.8, “executive decision” is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.~~

Sensitive Interests

5.4 Where you have an interest which is not a disclosable pecuniary interest and information relating to the interest is sensitive information, you must indicate to the meeting that you have an interest, the details of which are withheld.

6 Sensitive information

6.1 Where you consider that the information relating to any of your interests is sensitive information, and your authority’s monitoring officer agrees, you need not include that information when registering that interest under paragraph 4.

6.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 6.1 is no longer sensitive information,

notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

6.3 In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person connected with you may be subjected to violence or intimidation.

7 Gifts and Hospitality

7.1 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 £25 which you have accepted from or has been offered to you by any person or body other than the authority.

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

7.3 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.

SCHEDULE

Regulation 1(2)

Disclosable Pecuniary Interests

Disclosable Pecuniary Interests are the interests specified in the second column of the following table and for the purposes of that table the following definitions apply:

"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) (Disclosure of pecuniary interests upon taking office) or section 31(7) (Interests not entered on the authority's register and not subject to a pending notification), as the case may be, of the Act;

"relevant person" means M or M's spouse or civil partner, a person with whom M is living as husband and wife or a person with whom M is living as if they were civil partners;

"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.

Table

Regulation 2

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	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.
Contracts	<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(1).</p> <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> <ul style="list-style-type: none">(a) under which goods or services are to be provided or works are to be executed; and(b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (along or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge) – <ul style="list-style-type: none">(a) the landlord is the relevant authority; and(b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where – <ul style="list-style-type: none">(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and(b) either –<ul style="list-style-type: none">i. the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; orii. 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.