



EMERSONS GREEN  
TOWN COUNCIL

## Emersons Green Town Council Code of Conduct for Members

### 1 Application

This Code of Conduct applies to you whenever you are acting in your capacity as a member of Emersons Green Town Council, including –

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

### 2 General Conduct

As a member or co-opted member of Emersons Green Town Council, I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic, and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve the best value for our 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.

As a Member of Emersons Green Town Council, my conduct will in particular address the statutory principles of the code of conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the Authority's area or the good governance of the authority in a proper manner.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
- 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.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this authority'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 me

and other members to account but restricting access to information when the wider public interest or the law requires it.

- Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- Not bullying or harassing any other person.

Bullying and harassment means any unwanted behaviour that makes someone feel intimidated, degraded, humiliated, or offended. It is not necessarily always obvious or apparent to others. Bullying or harassment can be between two individuals or it may involve groups of people. It might be obvious, or it might be insidious. It may be persistent or an isolated incident. It can occur as a result of any form of contact, (verbal or written) examples of how bullying or harassment might occur includes via written communications, by phone, email, via social media or face-to-face.

Examples of bullying/harassing behaviour could include:

- spreading malicious rumours or insulting someone.
- exclusion or victimisation.
- unfair treatment.
- deliberately undermining a competent worker by constant criticism.

The above are examples of how bullying or harassment may occur and of what may constitute bullying or harassment. The examples are not exhaustive.

- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

### **3 Disclosable Pecuniary Interests (DPIs)**

You must -

- 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.

- 3.1 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.
- 3.2 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 and leave the room for the duration of the debate and the vote on the item of business which affects or relates to the interest.
- 3.3 “Meeting” means any meeting organised by or on behalf of the authority, including –
  - 3.3.1 Any meeting of the Council, or a Committee or Sub-Committee of Council
  - 3.3.2 Any meeting of the Cabinet and any Committee of the Cabinet
  - 3.3.3 In taking a decision as a Ward Councillor
  - 3.3.4 At any briefing by officers; and
  - 3.3.5 At any site visit to do with the business of the authority

#### **4 Other Interests**

- 4.1 In addition to the requirements of Paragraph 3, if you attend any meeting which includes Council, Committee, Sub-Committee or Joint Committee of Council (but which for the avoidance of doubt does not include informal meetings with officers or member briefings) 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 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 and leave the room for the duration of the debate and the vote on the item of business which affects or relates to the interest.
- 4.2 You have a “non-disclosable pecuniary interest or non-pecuniary interest” in an item of business of your authority where –
  - 4.2.1 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 or body 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

- 4.2.2 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.

For the avoidance of doubt a report by a Member to Council, Committee, Sub Committee on the activities of an outside body to which they are appointed by Council, will not constitute a breach of the Code of Conduct, provided that the report does not require a decision that affects the wellbeing or financial position of that organisation.

## **5 Gifts and Hospitality**

- 5.1 You must, within 28 days of receipt, notify the Clerk in writing of any gift, benefit or hospitality with a value in excess of £50 or totalling £100 over a year from a single source which you have accepted as a member from any person or body other than the authority.
- 5.2 The Clerk will place your notification on a public register of gifts and hospitality.
- 5.3 This duty to notify the Clerk does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.

## Disclosable Pecuniary Interests (DPIs)

The duties to register, disclose and not to participate in respect of any matter in which a member 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	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. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).
Contracts	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— (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 (alone 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)— (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—

(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 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 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.