

ST HELENS BOROUGH COUNCIL
CODE OF CONDUCT FOR ELECTED AND CO OPTED MEMBERS

Introduction

This Code applies to you as a member of this Authority when you act in your role as a member and it is your responsibility to comply with the provisions of this Code.

You are a representative of this Authority and the public will view you as such, therefore your actions and perceived actions impact on how the Authority as a whole is viewed and your actions can have both positive and negative impacts on the Authority.

This Code is based upon the “Nolan Principles – the Seven Principles of Public Life”, which are set out at Appendix 1.

Interpretation

In this Code:-

“Meeting” means any meeting of:

- (a) the Authority;
- (b) the Cabinet;
- (c) any of the Authority’s or its Cabinet’s committees, sub-committees, joint committees or area committees;
- (d) any briefing by officers;
- (e) any site visit connected with the business of the Authority
- (e)(f) any Task & Finish Groups or working groups, howsoever named

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members.

“Member” includes a co-opted member.

General Obligations

1. When acting in your role as a member of the Authority:
 - 1.1 **DO** treat others with respect.

1.2 **DO NOT** conduct yourself in a manner which is contrary to the Authority's duty to promote and maintain high standards of conduct of members.

1.3 **DO NOT** do anything which may cause you or the Authority to breach the Equality Act 2010 or subsequent legislation. **DO** ensure that your actions and behaviour promotes equality and **DO** participate in equalities training where offered by the Authority.

1.4 **DO NOT** discriminate against anyone because of age, gender reassignment, being married or in a civil partnership, being pregnant or on maternity leave, disability, race, including colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation.

1.5 **DO NOT** bully, harass or victimise anyone.

4.3**1.6** **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; and
 - (b) made in good faith and in compliance with the reasonable requirements of the Authority; and
 - (c) you have consulted the Monitoring Officer prior to its release

1.47 **DO NOT** prevent another person from gaining access to information to which that person is entitled by law.

1.8 **DO NOT** place yourself under any financial or other obligation to any person or organisation that might attempt to influence you in the performance of your official duties as a member.

1.9 **DO NOT** bring the Authority or the role of a member into disrepute.

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1.10 DO co-operate with any formal investigations by the Monitoring Officer or their nominated representative into complaints alleging a breach of the Code.

Resources

2.2 When using, or authorising the use by others, of the resources of the Authority –

- 2.1 **DO** act in accordance with the Authority’s reasonable requirements including the requirements of the Authority’s ITCICT_policyProtocol for Members and Social Media Guidelines and the policies (attached to the Authority’s Constitution), copies of which have been provided to you and which you are deemed to have read;
- 2.2 **DO** make sure that such resources are not used improperly for political purposes (including party political purposes); and
- 2.3 **DO** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986

Interests

3 As a public figure, your public role may, at times, overlap with your personal and/or professional life and interests, however when performing your public role as a member,

~~3.~~ 3.1 **DO** act solely in terms of the public interest and **DO NOT** act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests.

~~4.~~

~~4.13.2~~ You are required to register “pecuniary and other interests” (subject to these not being sensitive). Failure to declare or register a pecuniary interest will be a criminal offence if this is done without a reasonable excuse. If you knowingly or recklessly provide false or misleading information about a pecuniary interest, this will also be a criminal offence. This will also be considered to determine whether such a failure is a breach of the Code. Failure to declare or register a personal interest will be considered to determine whether such a failure is a breach of the Code. The definitions of a “pecuniary interest” which is disclosable and a “sensitive interest” are listed at Appendix 2.

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4.2 You are required to register your own pecuniary interests, but you are also required by legislation to register the pecuniary interests of:

- (i) your spouse or civil partner
- (ii) a person with whom you are living as husband and wife
- (iii) a person with whom you are living as if you are civil partners

This requirement applies if you are aware that the other person has that pecuniary interest.

4.3 In addition to the requirement to register disclosable pecuniary interests and in the interest of openness and transparency, the Authority also requires you as an elected or co-opted member to register any involvement which you have either as a member of, or as someone who holds a position of general control or management in, the following bodies:

- (i) a body to which you have been appointed or nominated by the Authority as its representative;
- (ii) any public authority or body exercising functions of a public nature;
- (iii) any company, industrial and provident society, charity or body directed to charitable purposes;
- (iv) any body whose principal purposes include the influence of public opinion or policy;
- (v) any trade union or professional association

This requirement applies only to you as the elected or co-opted member. It does not require you to register interests (other than the pecuniary interests referred to) of any other person.

4.4.4 You are required to register your interests within 28 days of becoming an elected or co-opted member or, where your interest has arisen since a previous notification, within 28 days of a disclosable interest arising.

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Gifts and Hospitality

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5. ~~There is no requirement for you to declare or register any gifts and hospitality, however **DO NOT** accept any gifts in excess of £50.00 (fifty pounds). You must within 28 days of receipt notify the Monitoring Officer of any gift, benefit or hospitality with an estimated value of £25.00 (twenty-five pounds) or more which you have accepted as a member from any person or body other than the Authority. The notification will be entered on a public register.~~

Disclosure and participation

6.

6.1 At a meeting where such issues arise, **DO** declare any personal and/or professional interests relating to your public duties and **DO** take steps to resolve any conflicts arising in a way that protects the public interest.

6.2 If you have a disclosable pecuniary interest in any matter which is to be considered at a meeting, then unless you have previously sought and obtained a dispensation from the Authority's Standards Committee, you must disclose your pecuniary interest and you must not take part in any discussion of the matter. You must not take part in any vote on the matter. Subject to 6.3, you must withdraw from the meeting.

6.3 In circumstances where your disclosable pecuniary interest in an item relates to a planning or licensing matter which is before a relevant meeting and there is provision for members of the public to address meetings where such matters are considered, you must not take part in the discussion, but you may make representations to the meeting to the same extent as any other member of the public is entitled to. You are not required to withdraw from the meeting unless members of the public are similarly required to withdraw.

7. Certain types of decisions, including those relating to a permission, licence, consent or registration for yourself, your friends, your family members, your employer or your business interests, are so closely tied to your personal and/or professional life that your ability to make a decision in an impartial manner in your role as a member may be called into question and in turn raise issues about the validity of the decision of the Authority. **DO NOT** become involved in these decisions any more than a member of the public in the same personal and/or professional position as yourself is able to be and **DO NOT** vote in relation to such matters.

8. **DO NOT** improperly use knowledge gained solely as a result of your role as a member for the advancement of yourself, your friends, your family members, your employer or your business interests.

Pre-determination or bias

9. Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life, you

should not be prohibited from participating in a decision in your political role as member, however **DO NOT** place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

10. When making a decision, **DO** consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

Dispensations

11. You may request a dispensation from the Standards Committee to enable you to take part in a matter where you have a disclosable pecuniary interest. Standards Committee will consider such a request in accordance with the provisions of legislative requirements.

THE SEVEN PRINCIPLES OF PUBLIC LIFE

SELFLESSNESS

Holders of the 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 the 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.

Appendix 2

You have a disclosable pecuniary interest in any business of the Authority if it is of a description set out in this Appendix and is either:

- a) an interest of yours; or
- b) an interest (of which you are aware) of a spouse, civil partner or a person you are living with as a spouse or civil partner (known as the "Relevant Person").

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The definition of a pecuniary interest is:

Subject	Prescribed description
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. 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.

The definition of a sensitive interest is:

An interest which the elected member or co-opted member and the Monitoring Officer consider, if disclosed, could lead to the elected or co-opted member or a person connected with them being subject to violence or intimidation.

Appendix 3

Where the decision referred to in Clause 7 above relates to one of the functions of the Authority set out below, and the condition which follows that function does not apply to you when making that decision, you may participate in the decision:

- (i) Housing, where you are a tenant of the Authority *unless* those functions relate particularly to your tenancy or lease;
- (ii) School meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or a parent governor of a school *unless* it relates particularly to the school which the child attends;
- (iii) Statutory sick pay under Part XI of the School Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to, the receipt of such pay;
- (iv) An allowance, payment or indemnity given to members;
- (v) Any ceremonial honour given to members; and
- (vi) Setting council tax or a precept under the Local Government Finance Act 1992

Appendix 4

Definitions of Discrimination, Harassment, Sexual Harassment, Bullying and Victimisation

1. Discrimination

1.1 Discrimination means being subject to “less favourable treatment” because of one or more of the following protected characteristics: age, disability, gender reassignment, race, religion, sex, sexual orientation, marriage and civil partnership or pregnancy and maternity.

2. Harassment

2.1 Harassment is any unwelcome behaviour or conduct which has no legitimate purpose and which makes someone feel offended, humiliated, intimidated, frightened and /or uncomfortable. Harassment can be experienced directly or indirectly (such as being in a room while unacceptable conduct is being displayed and being affected by it) and can occur as an isolated incident or as a course of persistent behaviour.

2.2 Harassment can occur via verbal or written comments (including on-line). The following list provides some examples but is by no means exhaustive:

- Unwelcome physical contact such as touch or invading personal space
- Inappropriate remarks or questioning such as comments about someone’s appearance, lewd comments and offensive jokes (including ones of a racial, sexual or sectarian nature)
- Intrusive questioning, including the persistent discussion of a person’s sexual practices, misogynistic behaviour, sexual orientation or religious beliefs
- Sending unwelcome emails, messages or notes or circulation or displaying explicit or inappropriate images

3. Sexual Harassment

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3.1 Sexual harassment takes place when someone is subjected to unwelcome and unwanted sexual behaviour of other such conduct related to their gender. It is defined in the Equality Act 2010 as: 'unwanted conduct related to a person's sex which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

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3.2 The following list provides some examples but is by no means exhaustive:

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- Unwelcome advances – physical, written and verbal
- Inappropriate, lewd or suggestive remarks
- Indecent comments, questions, sexist or lewd jokes or innuendos relating to a person's physical appearance, clothing, body parts, or private life including sexual history or orientation
- Unwanted physical contact such as hugging, kissing or touching
- Requests for sexual favours
- Pestering someone for a relationship or to socialise or following them around
- Sharing personal information about your sex life
- Giving gifts or leaving objects that are sexually suggestive
- Sharing sexually inappropriate images or videos, such as pornography
- Making or displaying inappropriate sexual images or posters
- Making inappropriate sexual gestures
- Leering or staring in a sexually suggestive or offensive manner or wolf-whistling
- Offensive comments about someone's gender identity

4. Bullying

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4.1 Bullying is inappropriate and unwelcome behaviour which is offensive and intimidating and which makes an individual or group of individuals feel undermined, humiliated or insulted.

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4.2 The following list provides some examples but is by no means exhaustive:

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- Unwelcome physical, verbal or non-verbal conduct
- Intimidatory behaviour including verbal abuse or the making of threats
- Making someone's worklife difficult

- Disparaging, ridiculing or mocking comments or remarks
- Physical violence
- Deliberately excluding an individual from conversations, work or social activities, in which they have a right or legitimate expectation to participate

5. Victimisation

5.1 Victimisation means subjecting another person to detrimental treatment because they have made allegations or given evidence in relation to unlawful discrimination or harassment. This also covers the situation where no allegation or evidence has been given, but a person is subject to detrimental treatment because it is believed they have done so or may do so in the future.

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