



Code of Conduct

As a Member or co-opted Member of *Swale Borough 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 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.

The Act further provides for registration and disclosure of interests and in Swale Borough Council this will be done as follows:

Registering and declaring pecuniary and non-pecuniary interests

I must, within 28 days of taking office as a Member or co-opted Member, notify my authority's Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is mine, my spouse's or civil partner's, or is the pecuniary interest of somebody with whom I am living with as a husband or wife, or as if we were civil partners.

In addition, I must, within 28 days of taking office as a Member or co-opted Member, notify my Authority's Monitoring Officer of any disclosable pecuniary or non-pecuniary interest which my authority has decided should be included in the register.

If an interest has not been entered onto the Authority's register, I must disclose the interest to any meeting of the Authority at which I am present, where I have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.¹

Following any disclosure of an interest not on the Authority's register or the subject of pending notification, I must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, I may not participate in any discussion of, vote on, or discharge any function related to any matter in which I have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, I must observe the restrictions my Authority places on my involvement in matters where I have a pecuniary or non-pecuniary interest as defined by my Authority.

The following sets out the disclosable pecuniary interests I am required to register under the Code of Conduct, the Localism Act and the SI No. 1464 The Relevant Authorities (Disclosable Pecuniary Interests Regulations 2012:

<i>Subject</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

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A 'sensitive interest' is described in the Localism Act 2011 as a Member or co-opted Member of an authority having an interest, and the nature of the interest being such that the Member or co-opted Member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the Member or co-opted Member, or a person connected with the Member or co-opted Member, being subject to violence or intimidation.

within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992⁽²⁾.

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

²

(1) 1992 c. 52.

(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 following sets out disclosable non-pecuniary interests which my authority has decided should be included in the register.

<i>Subject</i>	<i>Description</i>
Appointments and nominations by the Authority	<i>Name the outside body and the position you are appointed or nominated to e.g. member, trustee, director, observer etc. and name the Authority which appointed you e.g. Swale Borough Council.</i>
Bodies which exercise functions of a public nature	<i>Name the body and say what position you hold e.g. Councillor XYZ Parish Council, Governor ABC School etc.</i>
Bodies which influence public opinion or policy (including any political party or trade union)	<i>Name the body and say what position you hold e.g. secretary or member of the ABC for Action Group, or member of ABC Trade Union</i>

As a Member of *Swale Borough 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 - and putting their interests first.
- 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.
- 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.

Explanatory Notes: Code of Conduct

When acting as a Member under the Code of Conduct the following notes should be considered:

You must treat others with respect.

In politics, rival groupings are common, either in formal political parties or more informal alliances. It is expected that each will campaign for their ideas, and they may also seek to discredit the policies and actions of their opponents. Criticism of ideas and opinion is part of democratic debate, and does not in itself amount to bullying or failing to treat someone with respect.

Ideas and policies may be robustly criticised, but individuals should not be subject to unreasonable or excessive personal attack. This particularly applies to dealing with the public and officers. Chairs of meetings are expected to apply the rules of debate and procedure rules or standing orders to prevent abusive or disorderly conduct.

Whilst it is acknowledged that some Members of the public can make unreasonable demands on Members, Members should, as far as possible, treat the public courteously and with consideration. Rude and offensive behaviour lowers the public's expectations and confidence in its elected representatives.

When behaving in accordance with our legal obligations you must:

- not do anything which may cause your authority to breach any equality laws.
- not disclose confidential information, or information which you believe to be of a confidential nature, except in any of the following circumstances:
 - You have the consent of the person authorised to give it.
 - You are required by law to do so.
 - The disclosure is made to a third party for the purposes of obtaining professional advice (for example, your lawyer or other professional adviser) provided that person agrees not to disclose the information to any other person.
 - The disclosure is in the public interest. (further advice should always be sought from the Monitoring Officer or legal team before considering disclosure)
- not prevent anyone getting information that they are entitled to by law.
- only use or authorise the use of the resources of the Authority in accordance with its requirements.

- make sure you use the Authority's resources for proper purposes only. It is not appropriate to use, or authorise others to use, the resources for political purposes, including party political purposes.

When valuing your colleagues and staff and engaging them in an appropriate manner you must:

- treat others with respect
- not bully any person including other councillors, council officers or members of the public.
- not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the authority
- have regard to advice from your Monitoring Officer or Chief Finance Officer where they give it under their statutory duties.

You should not approach or pressure anyone who works for, or on behalf of, the Authority to carry out their duties in a biased or partisan way. They must be neutral and should not be coerced or persuaded to act in a way that would undermine their neutrality.

Although you can robustly question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

When listening to the interests of all parties you must:

- **have regard to advice from your Monitoring Officer or Chief Finance Officer where they give it under their statutory duties.** Where Members disagree with officer recommendations in making a decision, Members will need to take particular care in giving clear reasons for the decision. (Please note: this is not mandatory for parish councils. However, your parish may choose to include an obligation to take account of your clerk's advice in the Code your authority adopts.)

When exercising independent judgment and not compromising my position you must:

- **not use or attempt to use, your position improperly to the advantage or disadvantage of yourself or anyone else.** You should not use, or attempt to use, your public office either for your or anybody else's personal gain or loss.

Explanatory Note: Registerable interests

When declaring disclosable pecuniary interests and disclosable non pecuniary interests the following notes should be considered:

Disclosable Pecuniary Interests

These notes (not to be regarded as comprehensive) give general guidance on the categories of interests required to be registered under the Member Code of Conduct. The requirements of the Code are precise. If a person wishes to inspect the register of interests to establish whether you have a conflict of interest in a matter, they cannot do so if the information in the register is vague or general.

Employment, business, office, trade, profession or vocation

Employment or business' covers any activity that generates income for you. It will not cover unearned income (from property or investments) unless you, alone or jointly, play an active role in the management of those assets.

What you need to register

- (a) You must detail the nature of every employment, business, office, trade, profession or vocation that you have, with a short description of the job concerned; for example, 'computer operator' or 'accountant', whether or not these are declared for income tax purposes.*
- (b) You must give the name and address of your employer.*
- (c) If you are employed by a company, give the name and address of the company paying your wages or salary, not that of the ultimate holding company.*
- (d) Give the name and address of any company for which you are a paid director.*
- (e) Give the name and address of any firm in which you are a partner.*
- (f) Where you hold an office, give the name of the person or body which appointed you. In the case of a public office, this will be the authority which pays you. In the case of a teacher in a maintained school, the local education authority; in the case of an aided school, the school's governing body.*

Sponsorship

Register the name of any person or body (other than Swale Borough Council) that has made any payments to you in the last 12 months towards your expenses as a Councillor or towards your election expenses. You do not need to declare the amounts of any payments - only the name of the person or body making them.

Contracts

You have a registerable interest where you, or a firm in which you are a partner, or an undertaking in which you are a director, or in which you have shares of a value described above, have made a contract with the Council:

(i) under which goods or services are to be provided, or works are to be executed; and

(ii) which has not been fully discharged.

Sufficient detail must be given to identify the contract, such as the date and a brief description of the goods, services or works being contracted for. There is no requirement to state the value of the contract or its terms. Where the contract relates to use of land or a property, the land must be identified.

What you need to register

You must describe all contracts (goods, services or works) which are not fully discharged and made:

(i) between yourself and the Council;

(ii) between a firm in which you are a partner and the Council;

(iii) between a company of which you are a remunerated director and the Council;

(iv) between a corporate body in which you have shares of a value described in above, and the Council; and

(v) state the length of the contract.

Land and buildings and Licences in the Borough of Swale in which you have a beneficial interest

A 'beneficial interest' is one where the owner of the interest is entitled to the benefit of the asset concerned. Such an interest can arise directly through the legal ownership of an asset or indirectly where you are the beneficiary of a trust. The use of the term 'beneficial interest' excludes those who hold assets under a trust but are not beneficiaries of that trust. In such situations the trustee holds the legal title to the assets in question but has no beneficial interest

You have a registerable interest where you alone or jointly with others, own or have a right or interest in houses, land and buildings in the Borough of Swale, such as being the owner, lessee, or tenant (other than leases or tenancies with the Council) . You must also include any property from which you receive rent, or of which you are the mortgagee.

What you need to register

You must give the address or a brief description of the property. Where it is not possible to provide an address e.g. farmland, you must include enough information,

so that the landholding(s) can be identified. This can be done by providing map grid references or by attaching a copy of a map identifying the landholding(s).

Corporate Tenancies

You have a registerable interest where you or a firm in which you are a partner, a company of which you are a remunerated director or a corporate body in which you have shares of a value described above, are lessees or tenants of the Council.

What you need to register

You must give the address or a brief description of the property. Where it is not possible to provide an address e.g. farmland, you must include enough information, so that the landholding(s) can be identified. This can be done by providing map grid references or by attaching a copy of a map identifying the landholding(s).

Interests in Companies and Securities

The term 'securities' includes any instrument (such as a share, bond or option) that indicates some form of ownership rights or creditor relationship with a particular body. In practice, the most commonly encountered form of securities are shares. The term 'corporate body' includes companies, building societies, banks, industrial and provident societies, public corporations such as the British Broadcasting Corporation or the Port of London Authority and insurance companies.

You have a registerable interest where you, alone or jointly with others, have a 'beneficial interest' in a type of share with a face value (as shown on the share certificate) worth more than £25,000 or, 1% of the total amount invested in that corporate body by shareholders – whichever is less. You have a beneficial interest in a type of share if you own, if you are entitled to the proceeds of, or if through a trust or will, you become entitled to the proceeds of that type of share.

There is no requirement to register the name of the corporate body in which you have investments, or the corporate body from which you have borrowed money.

What you need to register

You must list the names of any companies, industrial and provident societies, co-operative societies, or other bodies corporate that, to your knowledge, are active (has a place of business or land) in the Borough of Swale/ parish area. You do not need to show the extent of your interest.

Disclosable non pecuniary interests:

Appointments or nominations by Swale Borough Council or relevant parish/town council

You may be appointed as the Council's representative to an outside body e.g. Age Concern. Where you represent the Council's position as a 'member' of the outside body, but take no part in its management or governance, other than to attend and vote at annual or general meetings, you will be mainly concerned with representing

the Council and you will not have responsibilities for governance of the body. Here, you would register your interest as a 'member' of the body.

The outside body may ask you to take on a position of management or governance e.g. trustee or director. Here, you will not only be representing the interests of the Council, but you will also have duties to the outside body and a role in its governance as a member of the management committee, board of directors or committee of trustees. You would therefore register your interest as a 'trustee' or 'director' of the body.

What you need to register

You must name the outside body and say in what position you are appointed or nominated e.g. member, trustee, director, observer etc. You must name the Authority which appointed you e.g. Swale Borough Council.

A public body or a body exercising functions of a public nature – examples: county and parish councils, regional and local development agencies, central government, prison and immigration services, courts and tribunals, nationalised industries, universities, university colleges, colleges and halls of universities, Primary Care Trusts, NHS Trusts, Community Health Council, Police Authority, arms length management organisations carrying out housing functions on behalf of the Council, School governing bodies, Council – owned companies exercising public functions etc

What you need to register

You must name the body and say what position you hold e.g. Councillor XYZ Parish Council, Governor ABC School etc.

Bodies which influence public opinion or policy (including any political party or trade union) – examples: political parties, trade unions, residents' associations, campaigning organisations, lobby groups, religious organisations, trade associations. Even if your lobby group does not keep a formal membership list, the Member Code of Conduct still applies to you in the same way. If you are acting as a member of the group perhaps attending meetings or participating in group activities - you should still register your membership of the group.

What you need to register

You must name the body and say what position you hold e.g. secretary or member of the ABC for Action Group or ABC Trade Union.