

HERTFORDSHIRE COUNTY COUNCIL

CODE OF CONDUCT FOR MEMBERS AND THE REGISTER OF INTERESTS

This Code of Conduct applies to all members and co-opted members of Hertfordshire County Council.

This Code of Conduct applies:

- (a) Whenever you conduct the business, or are present at a Meeting, of the authority; or
- (b) Whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed; or
- (c) Whenever you act, claim to act or give the impression you are acting as a representative of the authority

Application and General Principles

1. You are a member or co-opted member of Hertfordshire County Council and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

General Conduct

2. Accordingly, when acting in your capacity as a member or co-opted member –
 - 2.1 You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family or close associate.
 - 2.2 You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
 - 2.3 When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
 - 2.4 You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
 - 2.5 You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.

- 2.6 You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out below.
- 2.7 You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for personal or political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 2.8 You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

Specific Obligations

- 3.1 You must:
 - (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people regardless of their gender, race, disability, sexual orientation, age or religion;
 - (b) show respect for others;
 - (c) not use bullying behaviour or behaviour which amounts to harassment towards any person; and
 - (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, the authority
- 3.2 You must comply with all other policies of / or guidance issued by the authority (or part of any such policy or guidance) which sets out required conduct or standards from members
- 3.3 You must not:
 - (a) disclose confidential information or information which should reasonably be regarded as being confidential in nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
 - (b) prevent any person from gaining access to information to which that person is entitled by law
- 3.4 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the authority into disrepute
- 3.5 You must co-operate with any investigation into an allegation that you or another Member has failed to comply with any of the provisions of this Code of Conduct

Disclosable Pecuniary Interests

- 4.1 You must:
- (a) within 28 days of taking office as a member or co-opted member, notify the Director of Law & Governance of any Disclosable Pecuniary Interest as defined by regulations made by the Secretary of State, 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

[The disclosable pecuniary interests specified in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 are set out in the Appendix].

- (b) ensure that your register of interests is kept up to date and notify the Director of Law & Governance in writing within 28 days of becoming aware of any change in respect of your Disclosable Pecuniary Interests
- 4.2. If you are present at a Meeting at which an item of business in which you have a Disclosable Pecuniary Interest is to be considered or is being considered then:
- (a) you must make a verbal declaration of the existence and nature of the Disclosable Pecuniary Interest at the meeting or at or before the consideration of the item of business or as soon as the interest becomes apparent
 - (b) you must not participate, or participate further, in any discussion of the matter at the Meeting unless a dispensation has been granted by the Standards Committee
 - (c) you may not participate in any vote, or further vote, taken on the matter at the Meeting unless a dispensation has been granted by the Standards Committee
 - (d) if the interest is not registered and is not the subject of a pending notification you must notify the Director of Law & Governance of the interest within 28 days of the Meeting

Other Interests

- 5.1 In addition to the requirements of paragraph 4, you must notify the Director of Law & Governance in writing of your other personal interests where they fall within the following descriptions for inclusion in the register of interests:
- (a) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the authority

- (b) anybody:
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes; or
 - (iii) one of whose principal purposes includes the influence of 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

- 5.2 If you attend a meeting at which any item of business is to be considered and you are aware that you have a 'Declarable 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.

- 5.3 You have a 'Declarable Interest' in an item of business of the Council where:
 - (a) it is a personal interest as mentioned in paragraph 5.1 above (whether or not you have disclosed that interest in writing to the Director of Law & Governance)

 - (b) 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 your employer 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 division for which you have been elected or otherwise of the Council's administrative area

 - (c) 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 your employer or a person or body with whom you have a close association and that interest is not a Disclosable Pecuniary Interest.

Gifts and Hospitality

- 6.1 You must within 28 days of receipt, notify the Director of Law & Governance in writing of any gift, benefit or hospitality with a value in excess of £50 which you have been offered as a member from any person or body other than the Authority and also whether you have accepted such gift, benefit or hospitality.

- 6.2 The Director of Law & Governance will place your notification on a public register of gifts and hospitality.

- 6.3. This duty to notify the Director of Law & Governance does not apply where the gift, benefit or hospitality comes within any description approved by the County Council for this purpose.

Sensitive information

- 7.1 Where you have a Disclosable Pecuniary Interest and the nature of the interest is such that you and the Director of Law & Governance consider that disclosure of details of the interest could lead to you or a person connected with you being subject to violence or intimidation if the interest is entered in the Council's Register then copies of the register available for inspection and any published version of the Register should not include details of the interest but may state that you have an interest details of which are withheld under s32(2) of the Localism Act 2011 and/or this paragraph.
- 7.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 7.1 is no longer sensitive information, notify the Director of Law & Governance.

Definitions

8. In this Code:
- (a) "bullying behaviour" is behaviour that is unwanted and makes a person feel uncomfortable, including feeling:
- frightened or intimidated;
 - less respected, put down or degraded;
 - made fun of or humiliated;
 - upset, insulted or offended.
- (b) examples of bullying behaviour include:
- the spreading of a false rumour about a person;
 - continually putting someone down in meetings;
 - excluding someone from social events.
- (c) "harassment" is bullying behaviour directed at a person because of one or more of the following (known legally as "protected characteristics"):
- age;
 - disability;
 - gender reassignment;
 - pregnancy and maternity;
 - race;
 - religion or belief;
 - sex;
 - sexual orientation;

Where, in any case, the person is justified in feeling harassed and feels that they are working in a hostile environment.

“Meeting” means any meeting of:

- (a) the Council;
- (b) the Executive;
- (c) any of the County Council’s or the Executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees;
- (d) any Panel or Topic Group
- (e) one or more members with an officer of the Council
- (f) a political group

“Member” includes a co-opted member

“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 who lives with you may be subject to violence or intimidation.

Appendix

Disclosable Pecuniary Interests

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.

A 'Disclosable Pecuniary Interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

(In the extracts from the Regulations below, 'M' means you and 'relevant person' means you and your partner, as above)

Disclosable Pecuniary Interests

<i>Subject</i>	<i>Prescribed description</i>
<i>Employment, office, trade, profession or vacation</i>	<i>Any employment, office, trade, profession or vocation carried on for profit or gain.</i>
<i>Sponsorship</i>	<i>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.</i>
<i>Contracts</i>	<i>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.</i>

<i>Land</i>	<i>Any beneficial interest in land which is within the area of the relevant authority.</i>
<i>Licences</i>	<i>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</i>
<i>Corporate tenancies</i>	<i>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.</i>
<i>Securities</i>	<i>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.</i>

These descriptions on interests are subject to the following definitions:

“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 section 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.