

Middlesbrough Borough Council

Code of Conduct for Members

1. Principles of Public Life

This Code of Conduct has been prepared to comply with the seven principles in public life:

(i) 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.

(ii) 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.

(iii) 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.

(iv) 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.

(v) 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.

(vi) Honesty

Holders of public office have a duty to declare any private interest relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

(vii) Leadership

Holders of public office should promote and support these principles by leadership and example, and should act in a way that secures or preserves public confidence.

2. Application

2.1. This Code of Conduct applies to you whenever you are acting in your capacity as a member of Middlesbrough Borough Council, including:

at formal meetings of the Council, its Committees and Sub-Committees, its Executive and Executive Committees;

2.2. when acting as a representative of the authority;

- 2.3. in taking any decision as an Executive member or a Ward Councillor;
- 2.4. in discharging your functions as a Ward Councillor;
- 2.5. at briefing meetings with officers;
- 2.6. at site visits;
- 2.7. when corresponding with the authority other than in a private capacity;
- 2.8. when it would appear to an impartial bystander that you are acting in your capacity as a Councillor;
- 2.9. when you are using information which you have gained in your capacity as a Councillor; and
- 2.10. when discussing Council business through social media.

3. General Conduct

You must:

- 3.1. provide leadership to the authority and communities within its area, by personal example;
- 3.2. respect others and not bully any person;
- 3.3. recognise that officers (other than political assistants) are employed by and serve the whole authority;
- 3.4. respect the confidentiality of information which you receive as a member:
 - 3.4.1. not disclosing confidential information to third parties unless you have acted in accordance with the procedure set out in Appendix 2; and
 - 3.4.2. not obstructing third parties' legal rights of access to information;
- 3.5. not conduct yourself in a manner which is likely to bring the authority or the office of Councillor into disrepute;
- 3.6. use your position as a member in the public interest and not for personal advantage;
- 3.7. accord with the authority's reasonable rules on the use of public resources for private and political purposes;
- 3.8. exercise your own independent judgement, taking decisions for good and substantial reasons:
 - 3.8.1. attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups;
 - 3.8.2. paying due regard to the advice of officers, and in particular to the advice of the statutory officers, namely the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer; and

- 3.8.3. stating the reasons for your decisions where those reasons are not otherwise apparent;
- 3.9. account for your actions, particularly by supporting the authority's scrutiny function;
- 3.10. ensure that you and the authority act within the law;
- 3.11. be honest in your dealings with other members, officers and the public; and;
- 3.12. use social media responsibly.

4. Disclosable Pecuniary Interests

You must:

- 4.1. 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;
- 4.2. 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;
- 4.3. 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;
- 4.4. "Meeting" means any meeting organised by or on behalf of the authority, including:
 - 4.4.1. any meeting of the Council, or a Committee or Sub-Committee of Council;
 - 4.4.2. any meeting of the Executive and any Committee of the Executive;
 - 4.4.3. in taking a decision as a Ward Councillor or as a Member of the Executive;
 - 4.4.4. at any briefing by officers; and
 - 4.4.5. at any site visit to do with business of the authority.

5. Other Interests

- 5.1. In addition to the requirements of Paragraph 3, if you attend a meeting 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 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.
- 5.2. You have a "non-disclosable pecuniary interest or non-pecuniary interest" in an item of business of your authority where:

- 5.2.1. 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 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
- 5.2.2. it relates to or is likely to affect any of the interests listed in the Table in Appendix 1 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.

6. Gifts and Hospitality

- 6.1. 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 as a member from any person or body other than the authority.
- 6.2. The Monitoring Officer will place your notification on a public register of gifts and hospitality.
- 6.3. 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.

Appendix 1

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 as follows –

<i>Interest</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. 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.

Appendix 2

Disclosure of Confidential Information

You must 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:

- 1) you have the consent of the person authorised to give it;
- 2) you are required by law to do so;
- 3) 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
- 4) 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 with the authority's Monitoring Officer prior to its release.