

APPENDIX 1

DRAFT CODE OF CONDUCT

INTRODUCTION

This code applies to you as a member of Middlesbrough Borough Council 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 and therefore your 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 adopted through the requirement for Middlesbrough Borough Council to promote and maintain high standards of conduct by its members under Section 27 of the Localism Act, 2011 (“the Act”).

The Code has application to those “principles of public life” as set out below under paragraphs (i) – (vii) as specified under the Act *****and the Authority has also decided to incorporate certain additional principles as set out within paragraphs (viii) – (x).**

THE PRINCIPLES OF 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.

(viii) Respect for Others***

Members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

(ix) Duty to Uphold the Law***

Members should uphold the law and, on all occasions act in accordance with the trust that the public is entitled to place in them.

(x) Personal Judgement***

Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

INTERPRETATION

In this Code:

“Meeting” means any meeting of:

- (a) the authority;
- (b) the executive of the authority;
- (c) any of the authority's or its executive committees, sub-committees, joint committees or area committees;

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 and any appointed member.

GENERAL OBLIGATIONS

1. When acting in your role as a member of the Authority:

1.1 You must treat others with respect.

1.2 You must 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 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:

- (i) you have the consent of the 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 with the Authority's Legal Adviser & Monitoring Officer prior to its release.
- 1.4 You must not prevent any other person from gaining access to information to which that person is entitled by law.
2. When using or authorising the use by others of the resources of the Authority:
- 2.1 You must act in accordance with the Authority's reasonable requirements including the requirements of the Authority's applicable ITC policy and those related policies copies of which have been provided to you and which you are deemed to have read;
- 2.2 You must ensure that such resources are not used improperly for political purposes (including party political purposes); and
- 2.3 You have regard to any applicable Code of Recommended Practice on Local Authority Publicity issued under Section 4 of 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, you should act solely in terms of the public interest and should 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. You are required to register "pecuniary and other interests". 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.
5. There will be no requirement for you to formally declare or register any gifts and hospitality; however you should not accept any gifts in excess of £25. ***
Further, you should also have regard to the following considerations:

- *you should not accept any gift or hospitality which might interfere with or be perceived as impacting on Authority business or services, - you should not accept significant personal gifts from any contractor and/or outside suppliers or agents thereof, - you should only accept hospitality if there is a genuine need to impart information or to represent the Authority (or a body to which you are appointed by the Authority) in the community*
- *you should also be particularly sensitive to receiving gifts and/or hospitality which may relate to the timing of a decision which the Authority may be taking which affects those from whom the gift and/or hospitality was received,*
- *the advice of the Legal Adviser & Monitoring Officer should be obtained where necessary or desirable.*

DISCLOSURE AND PARTICIPATION

6. At a meeting where such issues arise, you must declare any personal interests relating to your public duties and take steps to resolve any conflicts arising in a way that protects the public interest. In any event, you must declare any disclosable pecuniary interest (which is not already on the register) in accordance with the Act.
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. You should not become involved in making these decisions and you should not vote in relation to such matters.
8. You should 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.

PREDETERMINATION 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 a member, however you should 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, you need to consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.
11. In relation to any business before an overview and scrutiny committee of the Authority (or of a sub-committee of such a committee), where:

- 11.1 that business relates to a decision made (whether implemented or not) or action taken by your Authority's executive or another of your Authority's committees, sub-committees, joint committees or joint sub-committees; and
- 11.2 at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph 11.1 and you were present when that decision was made or action was taken; or
- 11.3 that business relates to a decision made (whether implemented or not) or action taken by you (whether by virtue of the Authority's Constitution or under delegated authority):

You may attend a meeting of the overview and scrutiny committees of the Authority or of a sub-committee of such a committee but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purposes, whether under a statutory right or otherwise.