

Code of Conduct and conflicts of interest

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Corporate Services

Legal Services



The Code of Conduct

National Context

Localism Act 2011

- promote and maintain high standards of conduct by members and co-opted members
- adopt a local code of conduct
- Arrangements for investigations



Local Code adopted by BCC on 19th June 2012

- Light touch
 - based on Local Government Association version
 - minimum statutory requirements i.e.
 - seven principles of public life +
 - requirements relating to DPIS
- DPIS = disclosable pecuniary interests



The principles of public life

- **selflessness;**
- **integrity;**
- **objectivity;**
- **accountability;**
- **openness;**
- **honesty;**
- **leadership.**



- **General Principles:**

- Championing the needs of residents.
- Dealing with enquiries fairly and impartially.
- Independent judgement in the public interest.
- Objective decision making.
- Accountability and co-operation with scrutiny.
- Open and transparent.
- Compliance with law and council policy.
- Respect.



Interests

- Register of Interests
- Must notify Monitoring Officer within 28 days of becoming a member/co optee
- Any new interest thereafter within 28 days of becoming aware of interest
- Disclosable pecuniary interests
- Declarations at Meetings
- Dispensations



- Declare the interest if you have not already registered it
- Do not participate in any discussion or vote unless have a dispensation
- Preferable to leave the meeting room until the matter has been dealt with.
- Give written notice of any unregistered interest within 28 days of becoming aware of the interest
- Failure to treat a DPI correctly is potentially a criminal matter. If convicted maximum fine of up to £5000 and possible disqualification for up to 5 years.



If a complaint alleging breach of the code is received, the Monitoring Officer (in consultation with an Independent Person) will seek to resolve the matter by one of the following

- informal resolution;
- no further action;
- referral to police
- referral for investigation

Sanctions available to Audit Committee include

- appropriate publicity
- censure
- restricted access to resources
- training
- removal from a body

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Pre determination and bias

- Pre-determination means closing the mind to all considerations other than the view already held.
- Actual and apparent (by your conduct)
- No open mind – not prepared to listen
- A decision tainted by pre-determination is not only unlawful, it also amounts to maladministration but bear in mind this is a high hurdle to jump
- Can have a pre-disposition towards a particular option
- An open mind is not an empty mind but it is ajar.



Code of Conduct

As a member or co-opted member of Bristol City 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.

EQUALITY: Holders of public office should carry out their duties in a way that seeks to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between all individuals.

The Act further provides for registration and disclosure of interests and in Bristol City Council this will be done as follows: See attached form.

As a Member of Bristol City 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.



DATE RECEIVED BY DEMOCRATIC SERVICES OFFICE :

BRISTOL CITY COUNCIL

LOCALISM ACT 2011 : REGISTER OF MEMBER'S INTERESTS

(NB : Before completing this proforma, members are recommended to study the DCLG guidance document "Openness and transparency on personal interests")

Please write in block capitals throughout this form

I, [please state full name] MR / MRS / MISS / MS

being the elected mayor; a councillor; a co-optee of Bristol City Council, give notice that I have set out my interests below under appropriate headings, and I have put "**NONE**" where I have no such interests under any heading.

I understand and acknowledge the following:-

1. I must complete, sign and return this notice within 28 days of the Authority's Local Code of Conduct being adopted or within 28 days of my election or appointment to office.
I understand that I must register my disclosable pecuniary interests and local choice disclosable non-pecuniary interests by providing notification to the Council's Monitoring Officer of the details required as set out in this form.
2. If my circumstances change I must, within 28 days of becoming aware of any changes to the interests specified above, provide written notification to the Monitoring Officer of that change. I should do this by completing the Register update form which is available on The Source which is returnable to : evelyn.pearce@bristol.gov.uk or tel 92 23740 for paper copy.
3. Part 1 of this form contains disclosable pecuniary interests as prescribed by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012; whereas Part 2 contains *non-pecuniary* interests which the Council has decided is appropriate for me to register.
4. Disclosable pecuniary interests include not only my interests but also the interests of my spouse or civil partner, a person with whom I am living as husband or wife or a person with whom I am living as if they were a civil partner, so far as I am aware of the interests of that person.
5. The Localism Act 2011 has created specific criminal offences in relation to the disclosure of pecuniary interests (Part 1 of this form). I understand it is a criminal offence :-
 - i. to fail to register a Disclosable Pecuniary Interest (DPI) I am aware of within 28 days of my election or re-election;

- ii. to take part in the debate or vote at any meeting where I have a registered or unregistered DPI;
- iii. to fail to declare at a meeting and/or to take part in the debate or vote, if I am aware I have a DPI which is not yet registered or notified to the Monitoring Officer;
- iv. if I have declared an unregistered DPI at a meeting, to fail to register that within 28 days of that declaration;
- v. to provide false or misleading information in relation to any registration or to be reckless as to its accuracy;
- vi. to take any steps or further action on a matter in which I have a DPI other than referring it elsewhere;

in each case without reasonable excuse, and I recognise any such failure is a direct contravention of the Localism Act 2011 and a criminal offence; and may be investigated by the police and referred to the Director of Public Prosecutions. I understand that upon conviction a member or co-opted member may be fined up to a maximum of £5,000.

Sensitive Interests

- 6. If I feel I have an interest which, if disclosed on a public register, could lead to myself or a person connected to me being subject to violence or intimidation, then I must disclose this as a sensitive interest to the Monitoring Officer.

Once declared, the interest will be logged and kept separately. Such an interest **need not** then be recorded on this form, and will not therefore appear in the public register.

Gifts and hospitality

- 7. I will, within 28 days of receiving any gift or hospitality in my capacity as a member, with an estimated value of at least £25, provide written notification of that interest, including details of the person(s) from whom it was received. I understand that I should do this by completing the 'Registration of gifts and hospitality' form which may be obtained and returned in the manner described in 2 above. Details of gifts and hospitality notified to us will be included with your register of interests.

I recognise that I have a legal duty to complete this form and that I should not:

- 1. Omit any information which ought to be given in this notice;
- 2. Provide information that is materially false or misleading;
- 3. Fail to update this information as my circumstances change.

Full name	
Signature	
Date	
Monitoring Officer's Signature	
Date	

SECTION 1 - DISCLOSABLE PECUNIARY INTERESTS

* **Note:** In the notice below reference to your spouse or partner means anyone who meets the definition in the Localism Act, i.e. spouse or civil partner, or 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, and you are aware that that person has the interest.

Employment, office, trade, profession or vocation	
Any employment, office, trade, profession or vocation carried on for profit or gain.	
Myself	My spouse or partner*
Sponsorship	
Any payment or provision of any other financial benefit (other than from the Council) made or provided within the period of 12 months ending today in respect of any expenses incurred by me in carrying out duties as a member, or towards my election expenses. <i>(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>	
Myself	My spouse or partner*
Contracts	
Any contract which is made between	
<ul style="list-style-type: none"> • me or my spouse or partner*, or • a firm in which either of us is a partner, or • a body corporate of which either of us is a director, or • a body in the securities of which either of us has a beneficial interest and the Council <ul style="list-style-type: none"> (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged. 	

Myself	My spouse or partner*

Land

Any beneficial interest in land which is within the area of the Council.

(NB : this could include land or property which you own or have a right to occupy (eg tenancy) or receive an income from. It may include your home.)

Myself	My spouse or partner*
Address of land:	Address of land:

Licences

Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.

Myself	My spouse or partner*

Corporate tenancies

Any tenancy where (to my knowledge)—

(a) the landlord is the Council ; and

(b) the tenant is a body in which I or my spouse or partner* has a beneficial interest.

Myself

My spouse or partner*

Securities

Any beneficial interest in securities of a body where—

(a) that body (to my knowledge) has a place of business or land in the area of the Council;
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 I or my spouse or partner* has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

(NB : “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services Act 2000 and other securities of any description, other than money deposited with a building society)

Myself

My spouse or partner*

SECTION 2 - OTHER INTERESTS

Membership of Organisations

Please state below your membership of, or position of general management and control in any of the following categories:

- (i) A body to which you have been appointed or nominated by the authority **either** as a representative of the Council **or** in a non-representative role.
- (ii) A public authority or body exercising the functions of a public nature
- (iii) Industrial and Provident, or Co-operative Societies
- (iv) Charities (or bodies directed to charitable purposes)
- (v) Private clubs or secret societies
- (vi) Bodies whose principal purposes include the influence of public opinion or policy, such as local or national pressure groups
- (vii) Trade unions or professional associations
- (viii) School governing bodies

(Please state category number eg (vi) etc followed by description as appropriate)

(i)
(ii)
(iii)
(iv)
(v)
(vi)
(vii)
(viii)

Gifts and hospitality

Please register below, any gift of hospitality over the value of £25 that you have received in connection with your official duties as a member, and the person you believe to be the source of the gift or hospitality. ***(NB : should be within 28 days of receipt and be estimated to be of at least £25 in value)***

Name of person /organisation who gave you a gift or provided hospitality	Nature of gift or hospitality	Date of registration

Name Printed

Signed.....

Date.....