

HERTFORDSHIRE COUNTY COUNCIL
CODE OF CONDUCT FOR COUNCILLORS

PART 1

GENERAL PROVISIONS

Scope

1. (1) This Code applies, by law, to:
 - County Councillors
 - Members of Committees and Sub-Committees of the Council who are not County Councillors.
- (2) The Council expects non-County Councillor members of Panels, Topic Groups and Best Value Review Groups to comply with this Code.
- (3) In this Code, “member” means a person falling within (1) or (2) above.
2. (1) A member must observe this Code whenever he or she –
 - (a) conducts the business of the Council
 - (b) conducts the business of the office to which he or she has been elected or appointed; or
 - (c) acts as a representative of the Counciland references to a member’s official capacity shall be construed accordingly.
- (2) This Code shall not, apart from paragraphs 4 and 5(a) below, have effect in relation to the activities of a member undertaken other than in an official capacity.
- (3) Where a member acts as a representative of the Council:
 - (a) on another relevant authority *, he or she must, when acting for that other authority, comply with that other authority’s code of conduct; or
 - (b) on any other body, he or she must, when acting for that other body, comply with this Code, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

* See Appendix for the definition of “relevant authority”.
The Hertfordshire Police Authority is a relevant authority.

General Obligations

3. A member must –
 - (a) promote equality by not discriminating unlawfully against any person;
 - (b) treat others with respect; and
 - (c) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, the Council.
4. A member must not –
 - (a) disclose information given to him or her in confidence by anyone, or information acquired which he/she believes is of a confidential nature, without the consent of a person authorised to give it, or unless he or she is required by law to do so; nor
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
5. A member must not, in his or her official capacity or any other circumstance, conduct him or herself in a manner which could reasonably be regarded as bringing his or her office or the Council into disrepute.
6. A member –
 - (a) must not in his or her official capacity, or any other circumstance, use his or her position as a member improperly to confer on or secure for him or herself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of the Council-
 - (i) act in accordance with the Council's requirements; and
 - (ii) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Council or of the office to which the member has been elected or appointed.
7. (1) A member must when reaching decisions-
 - (a) have regard to any relevant advice provided by-
 - (i) the Council's chief finance officer (the Finance Director) acting in pursuance of Section 114 of the Local Government Finance Act 1988; and
 - (ii) the Council's monitoring officer (the County Secretary) acting in pursuance of Section 5(2) of the Local Government and Housing Act 1989; and

- (b) give the reasons for those decisions in accordance with the Council's and any statutory requirements in relation to the taking of an executive decision.
 - (2) In sub-paragraph (1)(b) above and in paragraph 9(2) below, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.
8. A member who becomes aware of any conduct by another member which he or she reasonably believes involves a failure to comply with this Code, must make a written allegation to that effect to the Standards Board for England as soon as it is practicable to do so.

PART 2

INTERESTS

Personal Interests

9. (1) A member must regard him or herself as having a personal interest in any matter if the matter relates to an interest in respect of which notification must be given under paragraphs 15 and 16 below, or if a decision upon it might reasonably be regarded as affecting to a greater extent than other council tax payers, ratepayers or inhabitants of Hertfordshire, the well-being or financial position of him or herself, a relative or a friend or –
- (a) any employment or business carried on by such persons;
 - (b) any person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
 - (d) any body listed in sub-paragraphs (a) to (e) of paragraph 16 below in which such persons hold a position of general control or management.
- (2) In this paragraph-
- (a) "relative" means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and
 - (b) "partner" in sub-paragraph 2(a) above means a member of a couple who live together.

Disclosure of Personal Interests

10. (1) A member with a personal interest in a matter who attends a meeting at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Subject to paragraph 13(1)(b) below, a member with a personal interest in any matter who has made an executive decision in relation to that matter must ensure that any written statement of that decision records the existence and nature of that interest.

Prejudicial Interests

- 11.(1) Subject to sub-paragraph (2) below, a member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest.
- (2) A member may regard him or herself as not having a prejudicial interest in a matter if that matter relates to-
 - (a) another relevant authority * of which he or she is a member;
 - (b) another public authority in which he or she holds a position of general control or management;
 - (c) a body to which he or she has been appointed or nominated by the Council as its representative;
 - (d) the functions of the Council in respect of school meals, transport and travelling expenses, where the member is a guardian or parent of a child in full-time education, unless it relates particularly to the school which the child attends;
 - (e) the functions of the Council in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where the member is in receipt of, or is entitled to the receipt of such pay from a relevant authority *, and
 - (f) the functions of the Council in respect of an allowance or payment made under sections 173 to 176 of the Local Government Act 1972 or section 18 of the Local Government and Housing Act 1989.

* See Appendix for the definition of "relevant authority".

Scrutiny Committees

- 12.(1) For the purposes of this Part, a member must if he or she is involved in the consideration of a matter at a meeting of a scrutiny committee of the Council or a sub-committee of such a committee, regard himself as having a personal and a prejudicial interest if that consideration relates to a decision made, or action taken, by another of the Council's
- (a) committees or sub-committees; or
 - (b) joint committees or joint sub-committees,
- of which he may also be a member.
- (2) But sub-paragraph (1) above shall not apply if that member attends that meeting for the purpose of answering questions or otherwise giving evidence relating to that decision or action.

Participation in Relation to Disclosed Interests

- 13.(1) Subject to sub-paragraph (2) below, a member with a prejudicial interest in any matter must-
- (a) withdraw from the room or chamber where the meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless he or she has obtained a dispensation from the Standards Committee;
 - (b) not exercise executive functions in relation to that matter; and
 - (c) not seek improperly to influence a decision about that matter.
- (2) A member with a prejudicial interest may, unless that interest is of a financial nature, and unless it is an interest of the type described in paragraph 12 above, participate in a meeting of the Council's
- (a) overview and scrutiny committees; and
 - (b) joint or area committees,
- to the extent that such committees are not exercising functions of the Council or its executive.

14. For the purposes of this Part, "meeting" means any meeting of-

- (a) the Council
- (b) the executive

- (c) any of the Council's or the executive's committees, sub-committees, joint committees, joint sub-committees, or area committees.
- (d) any Panel, Topic Group or Best Value Review Group
- (e) one or more members with an officer or officers of the Council
- (f) a party group.

PART 3

THE REGISTER OF MEMBERS' INTERESTS

Registration of Financial and Other Interests

15. Within 28 days of the adoption of this Code, or of his or her election or appointment to office (if that is later), a member must register his or her financial interests in the Council's register maintained under Section 81(1) of the Local Government Act 2000 by providing written notification to the County Secretary of-
- (a) any employment or business carried on by him or her;
 - (b) the name of the person who employs or has appointed him or her, the name of any firm in which he or she is a partner, and the name of any company for which he or she is a remunerated director;
 - (c) the name of any person, other than a relevant authority, who has made a payment to him or her in respect of his or her election or any expenses incurred in carrying out his or her duties;
 - (d) the name of any corporate body which has a place of business or land in Hertfordshire and in which the member has a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
 - (e) a description of any contract for goods, services or works made between the Council and him or herself or a firm in which he or she is a partner, a company of which he or she is a remunerated director, or a body of the description specified in sub-paragraph (d) above;
 - (f) the address or other description (sufficient to identify the location) of any land in which he or she has a beneficial interest and which is in Hertfordshire.
 - (g) the address or other description (sufficient to identify the location) of any land where the landlord is the Council and the tenant is a firm in which he or she is a partner, a company of which he or she is a remunerated director, or a body of the description specified in sub-paragraph (d) above; and

- (h) the address or other description (sufficient to identify the location) of any land in Hertfordshire in which he or she has a licence (alone or jointly with others) to occupy for 28 days or longer.
16. Within 28 days of the adoption of this Code, or his or her election or appointment to office (if that is later), a member must register his or her other interests in the Council's register maintained under Section 81(1) of the Local Government Act 2000 by providing written notification to the County Secretary of his or her membership of or position of general control or management in any-
- (a) body to which he or she has been appointed or nominated by the Council as its representative;
 - (b) public authority or body exercising functions of a public nature;
 - (c) company, industrial and provident society, charity, or body directed to charitable purposes;
 - (d) body whose principal purposes include the influence of public opinion or policy; and
 - (e) trade union or professional association.
17. A member must within 28 days of becoming aware of any change to the interests specified under paragraphs 15 and 16 above, provide written notification to the County Secretary of that change.
18. A member must within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the County Secretary of the existence and nature of that gift or hospitality.

APPENDIX

"Relevant Authority" means:

- a) a County Council
- b) a County Borough Council
- c) a District Council
- d) a London Borough Council
- e) a Parish Council
- f) a Community Council
- g) the Greater London Authority
- h) the Metropolitan Police Authority
- i) the London Fire and Emergency Planning Authority
- j) the Common Council of the City of London in its capacity as a local authority or police authority
- k) the Council of the Isles of Scilly
- l) a combined fire authority
- m) a police authority
- n) a joint authority under the Local Government Act 1985, Part 4
- o) the Broads Authority
- p) a National Park authority