

# Part 5(a) – Members’ Code of Conduct

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# Part 5(a) – Members’ Code of Conduct

## General Provisions

### Introduction and Interpretation

As a Member you are a representative of Southend-on-Sea Borough Council (“the Authority”) and the public will view you as such. 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 as a whole is consistent with “Nolan Principles” which are set out in **Appendix 1** and the provisions of S29(1) Localism Act 2011.

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's Committees, Sub-Committees, Joint Committees, Joint Sub-Committees or Areas Committees whether or not the press and public are excluded from the meeting in question by virtue of a resolution of Members;
- (d) Any briefings by officers and site visits organised by the Authority.

“**relevant period**” means the period of 12 months ending with the day on which you give notification to the Authority's monitoring officer of any disclosable pecuniary interests you had at the time of the notification.

“**profit or gain**” includes any payments or benefits in kind which are subject to Income Tax.

“**beneficial interest**” means having an economic benefit as a legal owner or holding it on trust for the beneficial owner, having a right to the income from the land or securities or a share in it or the right to the proceeds of sale or share of part of the proceeds of sale.

“**Member**” includes a co-opted member.

## 1. Who does the Code apply to?

- 1.1 This Code applies to all Members of the Authority including co-opted members.
- 1.2 It is your responsibility to comply with the provisions of this Code.

## 2. What does the Code apply to?

- 2.1 You must comply with this Code whenever you:
  - (a) Conduct the business of the Authority, or
  - (b) You are acting as a representative of the Authority.
- 2.2 This Code has effect in relation to your conduct in your official capacity.

**2.3** Where you act as a representative of the Authority:

- (a) On another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
- (b) On any other body, you must, when acting for that other body, comply with the Authority's code of conduct, except and insofar as it conflicts with any **other** lawful obligations to which that other body may be subject.

**3. General Obligations**

**3.1** You must treat others with respect.

**3.2** You must uphold the law

**3.3** You must not:

- (a) Do anything which may cause the Authority to breach any of the equality enactments.
- (b) Bully any person.
- (c) Intimidate or attempt to intimidate any person who is or is likely to be:
  - (i) a complainant;
  - (ii) a witness; or
  - (iii) involved in the administration of any investigation or proceedings.in relation to an allegation that a Member (including yourself) has failed to comply with the Authority's code of conduct; or
- (d) Do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.

**4. Confidential Information**

You must not:

- (a) 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 a 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 advice provided that the third party agrees not to disclose the information to any other person; or
  - (iv) the disclosure is:
    - (aa) reasonable and in the public interest; and
    - (bb) made in good faith and in compliance with the reasonable requirements of the Authority;
- (b) Prevent another person from gaining access to information to which that person is entitled by law.

## 5. Conferring an Advantage or Disadvantage

You must:

- (a) Not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;
- (b) When using or authorising the use by others of the resources of the Authority:
  - (i) act in accordance with the Authority's reasonable requirements;
  - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes);
- (c) Have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

## Members' Interests

### 6. Disclosable Pecuniary Interests<sup>1</sup>

6.1 You have a Disclosable Pecuniary Interest in any business of the Authority if it is of a description set out in 6.2 below and is either:

- (a) An interest of yours; or
- (b) An interest (of which you are aware) of a spouse, civil partner or a person you are living with as a spouse or civil partner (known as "Relevant Persons").

6.2 A Disclosable Pecuniary Interest is an interest which relates to or is likely to affect:

- (i) Any employment, office, trade, profession or vocation carried on by you or a Relevant Person for profit or gain;
- (ii) Any payment or provision of any other financial benefit (other than from the Authority) made or provided within the relevant period in respect of any expenses incurred in carrying out your duties as a Member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992;
- (iii) Any contract for goods, services or works which has not been fully discharged between you or a Relevant Person and the Authority or a body in which you or they have a beneficial interest;
- (iv) A beneficial interest in any land in the Authority's area;
- (v) A licence of any land in the Authority's area (alone or jointly with others) that you or a Relevant Person occupy for a month or longer;
- (vi) Any tenancy where to your knowledge:
  - (a) the landlord is the Authority; and
  - (b) the tenant is a body in which you or a Relevant Person has a beneficial interest;

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<sup>1</sup> The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 set out the pecuniary interests specified for the purposes of Chapter 7 of Part 1 Section 30(3) of the Localism Act 2011.

## **9. Disclosure of Interests (Disclosable Pecuniary Interests, Other Pecuniary Interests and Non-Pecuniary Interests)**

- 9.1** Subject to sub-paragraphs 9.2 to 9.3, where you have a Disclosable Pecuniary Interest, Other Pecuniary Interest or Non-Pecuniary Interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.
- 9.2** Sub-paragraph 9.1 only applies where you are aware or ought reasonably to be aware of the existence of the Interest.
- 9.3** Where you have an interest in any business of the Authority which would be disclosable by virtue of paragraph 9.1 but by virtue of paragraph 12 (Sensitive Information) details of the interest are not registered in the Authority's published Register of Members' Interests and the interest is a Disclosable Pecuniary Interest or Other Pecuniary Interest you need not disclose the nature of the interest to the meeting.
- 9.4** Where you have a Pecuniary Interest in any business of the Authority which would be Disclosable by virtue of paragraph 9.1 and a function of the Authority may be discharged by you acting alone in relation to that business, you must ensure you notify the Authority's monitoring officer of the existence and nature of that interest within 28 days of becoming aware that you will be dealing with the matter even if more than 28 days before you will actually deal with the business.
- 9.5** Where you have an interest in any business of the Authority which would be disclosable by virtue of paragraph 9.1 and you have made an executive decision in relation to that business you must ensure that any written statement of that decision records the existence and nature of that interest. In this paragraph "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.

## **10. Effect of Interests on Participation**

### **10.1 Disclosable Pecuniary Interests**

- (a)** If you are present at a meeting of the Authority or of any committee, sub-committee, joint committee or joint sub-committee of the Authority and you or a Relevant Person has a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at the meeting and you are aware of that Interest:
- (i)** You must not participate, or participate further, in any discussion of the matter at the meeting, or participate in any vote, or further vote, taken on the matter at the meeting;
  - (ii)** You must withdraw from the room or chamber where the meeting considering the business is being held unless you have received a dispensation from the Standards Committee or the Authority's proper officer.
- (b)** If you have a Disclosable Pecuniary Interest in any business of the Authority you must not:
- (i)** exercise executive functions in relation to that business; or
  - (ii)** seek improperly to influence a decision about that business
- (c)** If a function of the Authority may be discharged by a Member acting alone and you have a Disclosable Pecuniary Interest in any matter to be dealt with or being dealt with in the course of discharging that function you may not take any steps or any further steps in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by yourself).

## 10.2. Other Pecuniary Interests

If you have an Other Pecuniary Interest in any business of the Authority and you are present at a meeting of the Authority at which such business is to be considered or is being considered you must:

- (i) Disclose the existence and nature of the interest in accordance with paragraph 9.1 (but subject to paragraph 9.3); and
- (ii) Withdraw from the room or chamber where the meeting considering the business is being held.

## 10.3 Non-Pecuniary Interests

After having declared an interest in accordance with paragraph 9.1 you may then participate and vote unless a member of the public with knowledge of the relevant facts would reasonably regard your interest as so significant that it is likely to prejudice your judgment of the public interest or your interest may give rise to a perception of conflict of interest or bias in which case you must withdraw.

## 11. Registration of Members' Interests

(a) Subject to paragraph 12, you must, within 28 days of:

- (i) This Code being adopted by or applied to the Authority; or
- (ii) Your election, re-election or appointment or re-appointment to office (where that is later), or co-opted onto the Authority.

register in the Authority's Register of Members' Interests (maintained by the Monitoring Officer under Section 29(1) of the Localism Act 2011) details of:

- i. Disclosable Pecuniary Interests as referred to in paragraph 6 that you or a Relevant Person has in so far as you are aware of their interests at that time;
  - ii. Other Pecuniary Interests referred to in paragraph 7 that you have; and
  - iii. Non-pecuniary interests referred to in paragraph 8 (sub paragraphs (i) – (iii)) that you have.
- (b) You must keep your register of interests up to date by notifying the Monitoring Officer of any changes to your interests referred to in (a) above within 28 days of the change occurring or becoming aware of the change.

## 12. Sensitive Information

12.1 Where you have a Disclosable Pecuniary Interest referred to in paragraph 6 or Other Pecuniary Interest referred to in paragraph 7 and the nature of the interest is such that you and the Authority's monitoring officer 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 Authority'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.

12.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 12.1 is no longer sensitive information, notify the Authority's Monitoring Officer.

12.3 In this Code "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.

### **13. Register of Gifts and Hospitality**

13.1 You must within 28 days of receipt, notify the Authority's monitoring officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a Member from any person or body other than the Authority.

13.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.

13.3 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.



**The Nolan Principles (as revised by the Committee on Standards in Public Life in January 2013) and Section 28(1) of the Localism Act 2011**

**Selflessness**

Holders of public office should act solely in terms of the public interest.

**Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

**Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

**Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

**Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

**Honesty**

Holders of public office should be truthful.

**Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.



Department for  
Communities and  
Local Government

# Openness and transparency on personal interests

A guide for councillors

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# The Guide

This guide on personal interests gives basic practical information about how to be open and transparent about your personal interests. It is designed to help councillors, including parish councillors, now that new standards arrangements have been introduced by the Localism Act 2011<sup>1</sup>.

## Why are there new rules?

Parliament has abolished the Standards Board regime and all the rules under it. It has done this because that centrally-imposed, bureaucratic regime had become a vehicle for petty, malicious and politically-motivated complaints against councillors. Rather than creating a culture of trust and openness between councillors and those they represent, it was damaging, without justification, the public's confidence in local democratic governance.

The new standards arrangements that Parliament has put in place mean that it is largely for councils themselves to decide their own local rules. It is essential that there is confidence that councillors everywhere are putting the public interest first and are not benefiting their own financial affairs from being a councillor. Accordingly, within the new standards arrangements there are national rules about councillors' interests.<sup>2</sup>

Such rules, in one form or another, have existed for decades. The new rules are similar to the rules that were in place prior to the Standards Board regime. Those rules, originating in the Local Government Act 1972 and the Local Government and Housing Act 1989, involved local authority members registering their pecuniary interests in a publicly available register, and disclosing their interests and withdrawing from meetings in certain circumstances. Failure to comply with those rules was in certain circumstances a criminal offence, as is failure to comply in certain circumstances with the new rules.

## Does this affect me?

Yes, if you are an elected, co-opted, or appointed member of:

- a district, unitary, metropolitan, county or London borough council
- a parish or town council
- a fire and rescue authority
- a transport or other joint authority
- a combined authority or an economic prosperity board
- the London Fire and Emergency Planning Authority
- the Broads Authority

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<sup>1</sup> The Guide should not be taken as providing any definitive interpretation of the statutory requirements; those wishing to address such issues should seek their own legal advice.

<sup>2</sup> The national rules are in Chapter 7 of the Localism Act 2011 and in the secondary legislation made under the Act, particularly in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (S.I. 2012/1464).

- a National Park authority
- the Greater London Authority
- the Common Council of the City of London
- the Council of the Isles of Scilly

## How will there be openness and transparency about my personal interests?

The national rules require your council or authority to adopt a code of conduct for its members and to have a register of members' interests.

The national rules require your council's code of conduct to comply with the Seven Principles of Public Life, and to set out how, in conformity with the rules, you will have to disclose and register your pecuniary and your other interests. Within these rules it is for your council to decide what its code of conduct says. An illustrative text for such a code is available on the Department's web site.<sup>3</sup>

Your council's or authority's monitoring officer (or in the case of a parish council the monitoring officer of the district or borough council) must establish and maintain your council's register of members' interests. Within the requirements of the national rules it is for your council or authority to determine what is to be entered in its register of members' interests.

## What personal interests should be entered in my council's or authority's register of members' interests?

Disclosable pecuniary interests, and any other of your personal interests which your council or authority, in particular through its code of conduct, has determined should be registered.

Any other of your personal interests which you have asked the monitoring officer, who is responsible for your council's or authority's register of members' interests, to enter in the register.

As explained in the following section, your registration of personal interests should be guided by your duty to act in conformity with the seven principles of public life. You should ensure that you register all personal interests that conformity with the seven principles requires. These interests will necessarily include your membership of any Trade Union.

## What must I do about registering my personal interests?

Under your council's code of conduct you must act in conformity with the Seven Principles of Public Life. One of these is the principle of integrity – that 'Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in

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<sup>3</sup> <https://www.gov.uk/government/publications/illustrative-text-for-local-code-of-conduct--2>

order to gain financial or other material benefits for themselves, their family, or their friends. **They must declare and resolve any interests and relationships.**<sup>14</sup>.

Your registration of personal interests should be guided by this duty and you should give the monitoring officer who is responsible for your council's or authority's register of members' interests any information he or she requests in order to keep that register up to date and any other information which you consider should be entered in the register.

All sitting councillors need to register their declarable interests – both declarable pecuniary interests, and other interests that must be declared and registered as required by your authority's code, or your duty to act in conformity with the Seven Principles of Public Life, such as your membership of any Trade Union. Any suggestion that you should tell the monitoring officer about your pecuniary interests only in the immediate aftermath of your being elected is wholly incompatible with this duty, with which you must comply.

If you have a disclosable pecuniary interest which is not recorded in the register and which relates to any business that is or will be considered at a meeting where you are present, you must disclose<sup>5</sup> this to the meeting and tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must tell the monitoring officer within 28 days of disclosing the interest. For this purpose a meeting includes any meeting of your council or authority, of its executive or any committee of the executive, and of any committee, sub-committee, joint committee or joint sub-committee of your authority.

If you have a disclosable pecuniary interest which is not shown in the register and relates to any business on which you are acting alone, you must, within 28 days of becoming aware of this, tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must also stop dealing with the matter as soon as you become aware of having a disclosable pecuniary interest relating to the business.

When you are first elected, co-opted, or appointed a member to your council or authority, you must, within 28 days of becoming a member, tell the monitoring officer who is responsible for your council's or authority's register of members' interests about your disclosable pecuniary interests. If you are re-elected, re-co-opted, or reappointed a member, you need to tell the monitoring officer about only those disclosable pecuniary interests that are not already recorded in the register.

## What are pecuniary interests?

A person's pecuniary interests are their business interests (for example their employment, trade, profession, contracts, or any company with which they are associated) and wider

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<sup>4</sup> <http://www.public-standards.gov.uk/about-us/what-we-do/the-seven-principles/>

<sup>5</sup> If the interest is a sensitive interest you should disclose merely the fact that you have such a disclosable pecuniary interest, rather than the interest. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

financial interests they might have (for example trust funds, investments, and assets including land and property).

## Do I have any disclosable pecuniary interests?

You have a disclosable pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest listed in the national rules (see annex). Interests of your spouse or civil partner, following the approach of the rules under the 1972 and 1989 Acts, are included to ensure that the public can have confidence that councillors are putting the public interest first and not benefiting the financial affairs of themselves or their spouse or civil partner from which the councillor would stand to gain. For this purpose your spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

## Does my spouse's or civil partner's name need to appear on the register of interests?

No. For the purposes of the register, an interest of your spouse or civil partner, which is listed in the national rules, is **your** disclosable pecuniary interest. Whilst the detailed format of the register of members' interests is for your council to decide, there is no requirement to differentiate your disclosable pecuniary interests between those which relate to you personally and those that relate to your spouse or civil partner.

## Does my signature need to be published online? Won't this put me at risk of identity theft?

There is no legal requirement for the personal signatures of councillors to be published online.

## Who can see the register of members' interests?

Except for parish councils, a council's or authority's register of members' interests must be available for inspection in the local area, and must be published on the council's or authority's website.

For parish councils, the monitoring officer who is responsible for the council's register of members' interests must arrange for the parish council's register of members' interests to be available for inspection in the district of borough, and must be published on the district or borough council's website.

Where the parish council has its own website, its register of members' interests must also be published on that website.

This is in line with the Government's policies of transparency and accountability, ensuring that the public have ready access to publicly available information.

## Is there any scope for withholding information on the published register?

Copies of the register of members' interests which are available for inspection or published must not include details of a member's sensitive interest, other than stating that the member has an interest the details of which are withheld. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

## When is information about my interests removed from my council's register of members' interests?

If you cease to have an interest, that interest can be removed from the register. If you cease to be a member of the authority, all of your interests can be removed from the register.

## What does having a disclosable pecuniary interest stop me doing?

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

In certain circumstances you can request a dispensation from these prohibitions.

## Where these prohibitions apply, do I also have to leave the room?

Where your council's or authority's standing orders require this, you must leave the room. Even where there are no such standing orders, you must leave the room if you consider your continued presence is incompatible with your council's code of conduct or the Seven Principles of Public Life.

## Do I need a dispensation to take part in the business of setting council tax or a precept?



Any payment of, or liability to pay, council tax does not create a disclosable pecuniary interest as defined in the national rules; hence being a council tax payer does not mean that you need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support.

If you are a homeowner or tenant in the area of your council you will have registered, in accordance with the national rules, that beneficial interest in land. However, this disclosable pecuniary interest is not a disclosable pecuniary interest in the matter of setting the council tax or precept since decisions on the council tax or precept do not materially affect your interest in the land. For example, it does not materially affect the value of your home, your prospects of selling that home, or how you might use or enjoy that land.

Accordingly, you will not need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support, which is in any event a decision affecting the generality of the public in the area of your council, rather than you as an individual.

## When and how can I apply for a dispensation?

The rules allow your council or authority in certain circumstances to grant a dispensation to permit a member to take part in the business of the authority even if the member has a disclosable pecuniary interest relating to that business. These circumstances are where the council or authority considers that:

- without the dispensation so great a proportion of the council or authority would be prohibited from participating in that business as to impede the council's or authority's transaction of that business,
- without the dispensation the representation of different political groups dealing with that business would be so upset as to alter the likely outcome of any vote,
- the granting of the dispensation is in the interests of people living in the council's or authority's area,
- without the dispensation each member of the council's executive would be prohibited from participating in the business, or
- it is otherwise appropriate to grant a dispensation.

If you would like your council or authority to grant you a dispensation, you must make a written request to the officer responsible for handling such requests in the case of your council or authority.

## What happens if I don't follow the rules on disclosable pecuniary interests?

It is a criminal offence if, without a reasonable excuse, you fail to tell the monitoring officer about your disclosable pecuniary interests, either for inclusion on the register if you are a newly elected, co-opted or appointed member, or to update the register if you are re-elected or re-appointed, or when you become aware of a disclosable pecuniary interest which is not recorded in the register but which relates to any matter;

- that will be or is being considered at a meeting where you are present, or
- on which you are acting alone.

It is also a criminal offence to knowingly or recklessly provide false or misleading information, or to participate in the business of your authority where that business involves a disclosable pecuniary interest. It is also a criminal offence to continue working on a matter which can be discharged by a single member and in which you have a disclosable pecuniary interest.

If you are found guilty of such a criminal offence, you can be fined up to £5,000 and disqualified from holding office as a councillor for up to five years.

## Where can I look at the national rules on pecuniary interests?

The national rules about pecuniary interests are set out in Chapter 7 of the Localism Act 2011, which is available on the internet here:

<http://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7/enacted>

and in the secondary legislation made under the Act, in particular The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 which can be found here:

<http://www.legislation.gov.uk/uksi/2012/1464/contents/made>

- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where –
  - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
  - (b) either –
    - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - 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 you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

# Southend-on-Sea Borough Council

Department for Corporate Services

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Appendix 3

All New Members

Dear Councillor

**Re: New Members – The Members’ Code of Conduct, Registration of Interests and Declarations of Interests**

**1. The Members’ Code of Conduct**

I attach a copy of the Members’ Code of Conduct (“the Code”) which was adopted by the Council on 19<sup>th</sup> July 2012 (**Appendix 1**) and which you agreed to abide by when you signed the Declaration of Acceptance of Office book, following your recent election.

**2. Register of Members’ Interests**

- (a) The Code requires all Members to complete the Register of Members’ Interests form (attached at **Appendix 2**) and return this to me.

Please complete this as clearly as possible as the forms make up a Council Register of Members’ Interests which is publicly available in hard copy and on the Council’s website.

You must complete this form and return it to me within 28 days of your election, i.e. by Thursday 2<sup>nd</sup> June 2016. If you fail to complete the form, or complete it incorrectly, you remain a Member but are in breach of the Code and may commit an offence.

I have produced a guidance note (**Appendix 3**) to assist with completion of the form, which I hope you will find useful. However if you have any questions please contact me.

Members must notify me of any changes to the details registered within 28 days of becoming aware of them.

- (b) On the last page of the Register referred to in (a) you are also required to give me written notification of any gifts or hospitality received with a value in excess of £50, within 28 days of receipt.

This obligation only applies to gifts or hospitality which Members receive in connection with their official duties as a Councillor. You do not need to register gifts / hospitality which are not related to your role as a Member, e.g. Christmas gifts from relatives or friends.

Notwithstanding this provision, you need to be cautious about accepting any gift or hospitality.

### 3. Declaration of Interests at Meetings

If you have an interest under the Code in respect of any business of the Council and are present at a meeting of the Authority at which the business is considered, then you must declare that interest at the start of the meeting, even if you have already registered it.

Furthermore, unless a dispensation has been granted, you must withdraw from the meeting while that business is considered if your interest is:

- Pecuniary; or
- A disqualifying non-pecuniary interest (i.e. a member of the public with knowledge of the relevant facts would reasonably regard your interest as so significant that it is likely to prejudice your judgement of the public interest or may give rise to a conflict of interest or bias).

If you are aware of something on an agenda of a Council meeting and are not sure whether you have an interest or not, please contact me in advance and I will be pleased to offer advice. However if in doubt it is always best to err on the side of caution and declare an interest and if necessary withdraw.

### 4. Guidance

A summary of the requirements in the Code in terms of declaring and registering interests is attached at Appendix 4.

My summary reflects the content of a revised guide for councillors entitled "Openness and Transparency on personal interests" issued by the Department for Communities and Local Government in September 2013 (Appendix 5).

### 5. Blogging & Social Networking

Finally I attached a guidance note on Blogging and Social Networking which the Standards Committee asked me to send to all Councillors (Appendix 6). This reflects Guidance issued by the Local Government Association in April 2015, the old Standards Board for England in 2011 and other Councils.

Yours sincerely



John Williams  
Head of Legal & Democratic Services

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# Southend-on-Sea Borough Council

APPENDIX 4

Department for Corporate Services

John Williams Head of Legal & Democratic Services

Your ref:

Telephone: 01702 215102

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Date: 23<sup>rd</sup> January 2015

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DX 2812 Southend

Southend on Sea Borough Councillors  
(including Co-opted Members)  
Leigh on Sea Town Council Councillors

Dear Councillor / Member

**Re: Blogging and Social Networking - Guidance Note**

1. Background

At its meeting on 15<sup>th</sup> January 2015 the Standards Committee considered steps which could be taken to promote and maintain high standards of conduct.

In this context, the Standards Committee asked me to send a Guidance Note on Blogging to all Southend-on-Sea Borough Councillors (including co-opted Members) and Leigh-on-Sea Town Councillors.

2. Guidance

In preparing the **attached** Guidance Note which covers Blogging and Social Networking, I have had regard to a guide issued by the Standards Board for England in 2011, as well as more recent guidance issued by other Councils.

I hope the Guidance Note is helpful.

Yours sincerely

John Williams  
Head of Legal & Democratic Services  
and Monitoring Officer

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## **Social Media: Guide for Councillors**

### **1. Social Media and networking**

Social media provides effective methods for Councillors to interact with constituents and support local democracy. Used effectively, social media can engage those who would not normally have access to Councillors and politics.

### **2. What is social media?**

Social media can be categorised into six types: blogs; wikis; social networks; forums; podcasts; and content communities.

This guidance refers primarily to social networks and blogs.

Social networking is an online method of sharing information, photos and views with contacts and associates. Examples of social networking sites are Facebook, Twitter and Instagram.

A blog is a frequently updated individual website discussing subjects ranging from the personal to the political. It may focus on one narrow subject or a whole range of subjects.

### **4. Staying out of Trouble**

#### **4.1 The Members' Code of Conduct ("the Code") provides the foundation for this guidance. The Code applies whenever you act as a Councillor – and the same rules apply to your general conduct and to your online conduct.**

You should pay particular attention to the following paragraphs of the Code when using social media or blogging:

- You must treat others with respect
- You must not bully any person
- You must not disclose confidential information
- You must not use Council resources improperly for political purposes

#### **4.2 Publishing on the web means that once you've said it, it is visible to all. Social media is vulnerable to your message being misunderstood. Think about what you say and how you say it, in just the same way as you would when making statements in person, in writing or to the media. Be aware that anything you state on your social networking sites or blogs can be legitimately used by journalists and attributed to you without your prior permission.**

- 4.3 You need to be very careful about making unguarded statements, which may potentially leave you open to a claim for libel. Also it is also important that you do not make derogatory or discriminatory statements about Council employees, as you have a role as an employer.
- 4.3 Councillors can have “blurred identities”. You may have a social media account where you comment both as a Councillor and as an individual. For example a Facebook account where you have posted about a family day out (personal) and another time explained the Council position on a policy (Councillor). It may be clear in your mind what capacity you are posting in, but it could be less clear to others.

There is a difference between communicating in a political capacity as a Councillor and as a private citizen, with the former being subject to the Code. The key to whether your online activity is subject to the Code is whether you are acting as a Councillor or giving the impression that you are.

Much of this will come down to judgement, but to make sure you comply with the Code and to ensure your use of social media is well received, here are some general tips:

**Do:**

- Understand and stay within the Code regardless of the platform – offline and online.
- Set appropriate privacy settings for your blog or networking site – especially if you have a private, non-political blog.
- Keep an eye out for defamatory or obscene posts from others on your blog or page and remove them as soon as possible to avoid the perception that you condone such views.
- Be aware that the higher your profile as a Councillor, the more likely it is you will be seen as acting in your official capacity when you blog or network.
- Keep your personal and Councillor profile on social networking sites separate if you can. Otherwise it will always be difficult to claim that you were acting in a completely private capacity.
- Be aware that by publishing information that you could not have accessed without your position as a Councillor you will be seen as acting in your official capacity.



- Be careful when making political points about being too specific or personal if referring to individuals. An attack on individuals may be seen as disrespectful, whereas general comments about another party or genuine political expression is less likely to be viewed as disrespect.
- Comply with equality laws – take care publishing anything that could be considered sexist, racist, ageist, homophobic or anti-faith, even as a joke or “tongue-in-cheek”.
- Be responsible at all times.
- Be respectful at all times.
- Credit other people's work, ideas and links.
- More than anything, do use social media in the spirit in which it was intended – to engage, openly and honestly.

**Don't:**

- Blog or make comments on social networks in haste.
- Make unguarded statements which could lead to potential liability.
- Disclose confidential information.
- Post personal data about an individual.
- Post comments that you would not be prepared to make in writing or face to face.
- Use Council facilities for personal or political blogs.
- Request or accept a Council employee as a “friend” on a social networking site.
- Post content which will embarrass the Council or yourself.
- Think that a disclaimer will save you from potential legal action, it will not.
- Blog or make comments that might suggest you don't have an open mind about a planning, licensing or other quasi-judicial matter if you sit on the Committee which will make the decision. Comments of predetermination run the risk of the decision being invalidated.
- Tweet / blog at Council meetings about matters which are not on the agenda. It could give the impression that you are not engaging properly in the meeting.

**Useful links:**

LGA Basic guide to social media:

[http://www.local.gov.uk/digital-councils/get-started/-/journal\\_content/56/10180/6959055/ARTICLE](http://www.local.gov.uk/digital-councils/get-started/-/journal_content/56/10180/6959055/ARTICLE)

General digital and social media advice from the LGA:

[http://www.local.gov.uk/digital-councils/get-started/-/journal\\_content/56/10180/6967645/ARTICLE](http://www.local.gov.uk/digital-councils/get-started/-/journal_content/56/10180/6967645/ARTICLE)

Advice and social media checklist for Cllrs from the LGA:

[http://www.local.gov.uk/digital-councils/go-further/-/journal\\_content/56/10180/6960274/ARTICLE](http://www.local.gov.uk/digital-councils/go-further/-/journal_content/56/10180/6960274/ARTICLE)

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