

PART 6 (1)- SURREY COUNTY COUNCIL MEMBER CODE OF CONDUCT AND RELATED PROVISIONS

A. Surrey County Council Member Code of Conduct

As a Member or co-opted member of Surrey County Council you shall have regard to the following Principles of Public Life (also known as the Nolan Principles) – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Accordingly, when acting in your capacity as a Member or co-opted member:

1. You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
2. You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
3. When carrying out your public duties you must make all choices (such as making public appointments, awarding contracts or recommending individuals for rewards or benefits) on merit, and must be impartial and be seen to be impartial.
4. You must co-operate fully with whatever scrutiny is appropriate to your office.
5. You must be as open as possible about your decisions and actions and the decisions and actions of Surrey County Council and should be prepared to give reasons for those decisions and actions.
6. You will on occasions be privy to confidential and sensitive information, such as personal information about someone, or commercially sensitive information which, if disclosed, might harm the commercial interests of the Council or another person or organisation. This information must not be revealed without proper authority.
7. You should be mindful of the requirement to declare and record any disclosable pecuniary or personal interests in a manner conforming with the procedures set out in the provisions below.
8. You must, when using or authorising the use by others of the resources of the Council, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986. For guidelines on the personal use of Council IT resources by Members, please refer to the IT Code.

9. You must promote and support high standards of conduct (characterised by the above requirements) by leadership and example when serving in your public post.
10. In addition to compliance with the Member Code of Conduct, you are expected to comply with the following codes:
 - (a) Member/Officer Protocol
 - (b) Planning Code of Best Practice

And to comply with any reasonable request by the Council that you complete a related party disclosure

B. Registering and declaring disclosable pecuniary interests

1. You must, within 28 days of taking office as a member or co-opted member, notify the Council's Monitoring Officer of your disclosable pecuniary interests. A disclosable pecuniary interest is an interest of yourself or your partner ("partner" means a spouse, civil partner, or a person with whom you are living as husband and wife or as civil partners) falling within the descriptions set out in regulations made by the Secretary of State and set out, for ease of reference, in part C of this Code. Any such interests will then be included in the Council's Register of Members' Interests. A copy of the Register will be available for public inspection and will be published on the Surrey County Council website
2. Where you consider that disclosure of the details of a disclosable pecuniary interest could, if the interest is entered on the register, lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but will state that you have a disclosable pecuniary interest, the details of which are withheld.
3. In accordance with this Council's requirement that Members will be as open as possible about their decisions and actions, it is good practice to ensure that your entries in the Council's Register of Members' Interests are kept up to date. You are advised to notify the Monitoring Officer promptly of any changes occurring to your interests whilst you remain in office so that these may be recorded in the Register. There are also occasions when you may be required to update the Register in accordance to comply with B 6 of this Code
4. If you are present at a meeting of the Council, the Cabinet, a committee, sub-committee or joint committee of the Council, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting, unless you have obtained a dispensation, the following apply:

- I. You must not participate in any discussion of, or any vote taken on, the matter at the meeting and you must leave the room where the meeting is held while any discussion or voting takes place.
 - II. You should either declare the interest to the meeting or notify the Chairman of the reason you intend to withdraw before leaving the meeting. If the interest is not registered, you must disclose the existence and nature of the interest at the meeting
5. Where you are a Cabinet Member discharging a function alone and you become aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by you
- I. You must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.
 - II. If the interest is not registered, you must disclose the existence and nature of the interest at the meeting
6. When you have disclosed a disclosable pecuniary interest which was not already recorded on the Register and it is not the subject of pending notification, you must then notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
7. The Council's Audit and Governance may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest. Part 6 of the Constitution sets out how to apply for a dispensation and the criteria that will be used to consider your request.
8. You should be aware that it is a **criminal offence** if, without reasonable excuse, you
- (a) fail to disclose a disclosable pecuniary interest as set out above;
 - (b) participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
 - (c) take any steps as a single member discharging a function of the Council, when you have a disclosable pecuniary interest in a matter you are dealing with
 - (d) provide information in relation to your disclosable pecuniary interests that is false or misleading and you know that the information is false or misleading, or are reckless as to whether the information is true and not misleading.

C. Definition of disclosable pecuniary interests

Current legislation states that any of the following is a disclosable pecuniary interest if it is your interest or an interest of your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you are civil partners, and you are aware that that other person has the interest:

1. Any employment, office, trade, profession or vocation carried on for profit or gain.
2. 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 you in carrying out 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.
3. Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest¹) and Surrey County Council
(a) under which goods or services are to be provided or works are to be executed; and
(b) which has not been fully discharged.
4. Any beneficial interest in land which is within the area of Surrey County Council.
5. Any licence (alone or jointly with others) to occupy land in Surrey for a month or longer.
6. Any tenancy where (to your knowledge):-
 - (a) the landlord is Surrey County Council; and
 - (b) the tenant is a body in which the relevant person has a beneficial interest.
7. Any beneficial interest in securities of a body where:-
 - (a) that body (to your knowledge) has a place of business or land in Surrey; 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.

¹ "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;

D. Registering and declaring gifts and hospitality

1. In considering whether it is appropriate to accept offers of a gift hospitality Members will need to take account of the Council's requirement that you do not "place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties"²
2. You must notify the Monitoring Officer of any gift or hospitality with a value of £100 or above which you have been offered and accepted in your role as a member within 28 days of the offer being made to you. Any such interests will then be included in the Council's Register Gifts and Hospitality. All entries on the Register will be maintained for three years and a copy of the Register will be available for public inspection.
3. You must, during that three year period, declare the acceptance of any such gift or hospitality at any discussion of vote on or discharge on any function relating to the donor

E. [Registering and] declaring Personal interests

1. In addition to the disclosable pecuniary interests dealt with in parts B and C of this Code, you will have a personal interest in any organisation, operating in Surrey of which you are in a position of general control or management, even if you were appointed or nominated to that organisation by the Council. This includes public and voluntary sector organisations, such as other councils, schools, charities and some companies. It also includes political parties and campaigning groups.
2. You must, within 28 days of taking office as a member or co-opted member notify the Council's Monitoring Officer of your personal interests. Any interests you declare will be included in the Council's Register of Members' Interests. A copy of the Register will be available for public inspection and will be published on the Surrey County Council website. You must also notify the Monitoring Officer of any changes in your interests arising after you have completed your initial notification.
3. In accordance with this Council's requirement that you are as open as possible about your decisions and actions³, where you have a personal interest in any matter to be considered or being considered at a meeting of the Council, the Cabinet, a committee, sub- committee or joint committee of the Council and you speak at that meeting, you must, unless the chairman of the meeting rules it unnecessary, disclose to that meeting the existence and nature of that interest.

² See A 2 above

³ See A5 above

4. You can participate in any discussion and vote on any matter in which you have a personal interest unless you consider, having taken advice from the Monitoring Officer where relevant, that the interest is one that would reasonably be regarded as prejudicial⁴, in which case you should withdraw from the room or chamber when it becomes apparent that the matter is being considered at that meeting
5. If you are discharging a function of the Council as a member acting alone (e.g as a Cabinet member) you will need to consider whether you have a personal interest in any matter you are dealing with, in the course of discharging that function. If you do have such an interest you must ensure that a record of the existence and nature of the interest is recorded in the minutes of the meeting.
6. If, having taken advice from the Monitoring Officer where relevant, you consider that the interest is one that would reasonably be regarded as prejudicial⁵ and therefore inappropriate for you to continue to take any steps in relation to the matter, you should not do so (except for the purpose of enabling the matter to be dealt with by someone else).

F. Prejudicial Interests

7. A prejudicial interest is an interest which meets the following condition:

The interest is so significant that a member of the public who knew the relevant facts would reasonably think that your interest would prejudice your judgment of the public interest and prevent you from participating in any council business that affected or related to the interest whilst continuing to comply with the Nolan principles or the requirements of this Council's code. In particular those requirements that:

- I. "You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate⁶."

And/or

- II. "When carrying out your public duties you must make all choices (such as making public appointments, awarding contracts or recommending individuals for rewards or benefits) on merit, and must be impartial and be seen to be impartial"⁷

8. You must not participate in any business of the Council in which you have a prejudicial interest. If you are present at a meeting of the Council, the Cabinet, a committee, board, sub-committee or joint committee of the Council, and you have a prejudicial interest in any matter to be considered or being considered at the meeting, you, or the chairman of the meeting, should declare that you have an interest in the matter. You must not participate in any discussion of, or any vote

⁴ See section F below

⁵ See section F below

⁶ See A 1 above

⁷ See A 3 above

taken on, the matter at the meeting and you must leave the room where the meeting is held while any discussion or voting takes place.