



**Members' Code of Conduct  
for Members and Co-opted  
Members of the Authority**

Barrow-in Furness Borough Council (“The Council”) has adopted the following code which has effect from 29 September 2020 and sets out the conduct that is expected of elected members and co-opted members of the Council (“Members”) when they are acting in that capacity as required by section 27 of the Localism Act 2011 (“the Act”).

The Council has a statutory duty under the Act to promote and maintain high standards of conduct by Members and the Code sets out the standards that the Council expects Members to observe.

The Code is not intended to be an exhaustive list of all the obligations that are placed on Members. It is the responsibility of individual Members to comply with the provisions of the Code as well as such other legal obligations as may apply to them from time to time. Failure to do so may result in a sanction being applied by the Council. Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and a fine of up to £5,000 and/or disqualification from office for a period of up to 5 years.

The Code is intended to be consistent with Nolan’s Seven Principles of Public Life as attached as Annex 1 to this code and should be read in the light of those principles, namely that Council Members will act with selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

## **Part 1 - GENERAL CONDUCT**

When acting in your capacity as a Member:-

- (1) You must treat others with respect, including members of the public, council employees and employees or representatives of partner organisations; and other elected members;
- (2) You should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their sex, race, age, religion or belief, gender reassignment, pregnancy and maternity, marriage and civil partnerships, sexual orientation or disability.
- (3) You should respect the impartiality and integrity of the authority’s statutory officers and its other employees and should consider any advice given by the Monitoring Officer or Responsible Finance officer when taking decisions
- (4) You must not bully or harass any person, including any Council Officer, other elected members and members of the public, and you must not

intimidate or improperly influence any person who is involved in any complaint about any alleged breach of this code of conduct.

Note:

**Bullying** may be characterised as:

- offensive, intimidating, malicious or insulting behaviour; or
- an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone.

**Harassment** may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

Bullying and/or harassment may take many forms and may relate to a variety of issues. For example, bullying and harassment may relate to:

- age
- disability
- gender reassignment
- marriage and civil partnerships
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

This list is not exhaustive and any form of bullying or harassment is prohibited by the Code.

- (5) 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, a close associate, an employer or a business carried on by you.
- (6) You must not place yourself under a financial or other obligation to outside individuals or organisations that may influence you in the performance of your official duties.
- (7) You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council, or your office as a member of the Council, into disrepute.

- (8) When carrying out public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for reward or benefit on merit.
- (9) You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.
- (10) You must comply with any Protocol adopted by the Council which seeks to regulate the conduct of its elected members or co-opted members and which the Council has specifically declared should fall within the provisions of this code of conduct and which is listed in Annex 3 to this Code.
- (11) You must not disclose any information given to you or acquired by you as a Member in breach of any confidence.
- (12) You must declare any private interests, both disclosable pecuniary interests and any other registrable interests, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner which conforms with the procedures set out below.
- (13) You must ensure, when using or authorising the use by others of the resources of your Council, 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.
- (14) You are accountable for your decisions to the public and must co-operate fully with whatever scrutiny is appropriate to your office including fully co-operating with any formal standards investigation or process.
- (15) Councillors must not misuse the standards process by, for example, making trivial or malicious allegations against another councillor.
- (16) You must promote and support high standards of conduct when serving in your office.

## Part 2 - REGISTRATION OF INTERESTS

Registering and declaring disclosable pecuniary and other registrable interests:

- (1) You must, within 28 days of taking office as a member or co-opted member, notify your Council's Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners. These interests and those at (2) below are shown at Annex 2 to this code.
- (2) In addition, you must, within 28 days of taking office as a member or co-opted member, notify your Council's Monitoring Officer of any disclosable pecuniary or non-pecuniary interest which your Council has decided should be included in the register.
- (3) If an interest has not been entered onto the Council's register, then the member must disclose the interest to any meeting of the Council at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest' as described by the Localism Act 2011. If the interest being declared is 'sensitive' you only have to disclose the fact that you have an interest but do not need to disclose the nature of the interest.
- (4) Following any disclosure of an interest not on the Council's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
- (5) Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your Council places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your Council.

## **Annex 1**

### **SEVEN GENERAL PRINCIPLES OF CONDUCT**

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services

#### **Selflessness**

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

#### **Integrity**

2. 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**

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

#### **Accountability**

4. 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**

5. Holders of public office should act and taken 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**

6. Holders of public office should be truthful

#### **Leadership**

7. 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 whenever it occurs.

## |Annex 2

### **PECUNIARY AND OTHER REGISTRABLE INTERESTS**

#### **DISCLOSABLE PECUNIARY INTERESTS (as defined by regulations)**

1. Details of any employment, office, trade, profession or vocation carried on for profit or gain.
2. Details of 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 M in carrying out duties as a member, or towards the election expenses of M. (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. Details of any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority –
  - (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. Details of any beneficial interest in land which is within the area of the relevant authority.
5. Details of any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
6. Details of any tenancy where (to M's knowledge) –
  - (a) The landlord is the relevant authority; and
  - (b) The tenant is a body in which the relevant person has a beneficial interest.
7. Details of any beneficial interest in securities of a body where
  - (a) That body (to M's knowledge) has a place of business or land in the area of the relevant authority; 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 that 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.

## **OTHER REGISTRABLE INTERESTS**

*These interests are what the Council has determined should be entered into the authority's register of interests*

8. Details of any bodies of which I am a member, or in a position of general control or management, and to which I am appointed or nominated to by the District Council.
9. Details of any bodies of which I am a member, or in a position of general control or management, and which:-
  - (a) Exercises function of a public nature;
  - (b) Is directed towards charitable purposes; or
  - (c) Is a body which includes as one of its principal purposes influencing public opinion or policy (this includes political parties or trade unions).
10. Details of any persons from whom I have received a gift or hospitality with an estimated value of at least £50. (You must register any gifts or hospitality worth £50 or over that you receive personally in connection with your official duties).

### **Annex 3**

#### **Associated Protocols**

The Council has adopted the following Protocols which are intended to regulate the conduct of its elected members or co-opted members and which the Council has specifically declared should all within the provisions of this code of conduct pursuant to paragraph 10 of the code:

Licensing Code of Conduct for Elected Members

Social Media Policy