



STANDARDS ARRANGEMENTS

**(INCLUDING MEMBERS’
CODE OF CONDUCT)**

Arrangements for Dealing with Standards Allegations under the Localism Act 2011

1. **Context**

The Localism Act 2011 requires the Council to adopt arrangements to deal with allegations that a Member or Co-opted Member has failed to comply with the Members' Code of Conduct. These arrangements set out how any such complaints or allegations will be investigated and dealt with.

The Council has appointed an Independent Person. The Monitoring Officer will seek the Independent Person's views before a decision is taken on any allegation that is formally investigated. The Independent Person's views can be sought at any other stage by the Monitoring Officer or by a Member against whom an allegation has been made.

2. **The Members' Code of Conduct**

The Council has adopted the attached Members' Code of Conduct. The document is available on the website and from the Council on request.

3. **Making a Complaint against a Member or a Co-opted Member**

It is a requirement of the Localism Act 2011 that any complaint or allegation that a Member has failed to comply with the Members' Code of Conduct must be in writing.

Anyone wishing to make a complaint will need to complete the complaints form, which is available on the website and on request from the Council. If you have difficulty completing the form, please contact the Monitoring Officer. The completed form should be sent to:-

The Monitoring Officer
Dudley Metropolitan Borough Council
The Council House, Priory Road, Dudley DY1 1HF
E-mail: mohammed.farooq@dudley.gov.uk
Telephone: 01384 815301

The following points should be noted before a complaint is made:

- Complainants need to provide their name and a contact address or email address, so that the Monitoring Officer can acknowledge receipt of the complaint and keep the complainant informed on its progress.

- The Council will not investigate anonymous complaints unless there is a clear public interest in doing so.
- Other than in exceptional circumstances, the Council will only consider complaints made in writing within 3 months effective from the date on which the alleged breach of the Members' Code of Conduct took place.
- There is a presumption that a complainant will not be allowed to claim confidentiality unless exceptional circumstances exist. If a complainant wants to keep their name and address confidential, this should be indicated in the space provided on the complaint form. We will not then disclose the name and address without prior consent.

4. **Procedure for Dealing with a Complaint**

The Monitoring Officer will acknowledge receipt of the complaint and notify the Member concerned of the receipt of a complaint against him/her.

The Monitoring Officer will decide if any further information is required at this stage. Both parties to the complaint will be notified if this is necessary.

No decisions on complaints will be made by the Monitoring Officer during the pre-elections 'purdah' period (usually the six weeks period before an election is held).

The Monitoring Officer will carry out an initial assessment of the complaint and may consult with the Independent Person at any point. The initial assessment will be in two stages:

Initial assessment – Stage 1

The Monitoring Officer will consider whether the complaint is within jurisdiction. For example, does the complaint relate to a Councillor who was acting as a Councillor at the time of the alleged breach.

Initial assessment – Stage 2

The Monitoring Officer will consider the following criteria to decide whether the complaint should be taken forward (this is not an exhaustive list):

- Does the complaint contain sufficient evidence to demonstrate a potential breach of the Code?
- Are there alternative, more appropriate, remedies that should be explored first?
- Where the complaint is by one Councillor against another, a greater allowance for robust political debate (but not personal abuse) may be given, bearing in mind the right to freedom of expression.
- Is the complaint malicious, politically motivated, or 'tit for tat'?
- Whether an investigation would not be in the public interest or the matter, even if proven, would not be serious enough to warrant any sanction.

- Whether a substantially similar complaint has previously been considered and no new material evidence has been submitted.
- Whether a substantially similar complaint has been submitted and accepted.
- Does the complaint relate to conduct in the distant past? This would include consideration of any reason why there had been a delay in making the complaint.
- Was the behaviour that is the subject of the complaint already dealt with? For example, through an apology at the relevant meeting or on social media.
- Does the complaint relate to dissatisfaction with a local authority decision rather than the specific conduct of an individual?
- Is it about someone who is no longer a Councillor?

The Monitoring Officer may then decide:

- **There is no case to answer**

The Monitoring Officer will notify the Member and the complainant of the outcome of the initial assessment and the reasons for his/her decision.

- **To seek an informal resolution of the complaint**

The Monitoring Officer will contact the complainant and the Member to discuss any proposal to resolve the complaint informally. Such informal resolution may involve the Member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action. If both parties to the complaint accept informal resolution, the Monitoring Officer will notify them accordingly and conclude the complaint.

If the complainant refuses a reasonable offer of informal resolution, the Monitoring Officer will take this into account in deciding whether the complaint merits formal investigation. The Monitoring Officer may dismiss the complaint at this stage.

If the Member agrees to informal resolution, and subsequently fails to comply with any agreed action to informally resolve the matter, the Monitoring Officer may refer the matter to the Standards Sub-Committee.

The decision of the Monitoring Officer is final and not subject to an appeal.

- **To refer the complaint to the Police and/or regulatory agencies**

If the complaint identifies potential criminal conduct or breach of other regulations by any person, the Monitoring Officer has the power to inform the Police and/or any other appropriate regulatory agencies.

- **To refer the complaint for a formal investigation**

Following consultation with the Independent Person, the Monitoring Officer will appoint an Investigator. This may be another senior officer of the Council, a senior officer from another Authority, or an external investigator.

All decisions will be made in accordance with the following principles:

- proportionality (i.e. the action must be proportionate to the desired outcome, including consideration as to cost);
- due consultation and the taking of professional advice;
- a presumption in favour of openness;
- clarity of aims and desired outcomes;
- taking account and explaining the options considered and the reasons for the decision taken;
- due regard to the Members' Code of Conduct.

5. **Formal Investigations**

The Council will ensure that formal investigations are carried out as quickly and thoroughly as possible in line with the principles of fairness, natural justice and other legal issues.

There are many factors that can affect the time it takes to complete a formal investigation. Most formal investigations should be carried out, and a report completed, within six months of the original complaint being received by the Monitoring Officer. The Monitoring Officer will oversee the process to minimise delays wherever possible.

The Investigator will normally write to the Member against whom the complaint is made and provide him/her with a copy of the complaint. The Investigator will ask the Member to provide his/her explanation of events, and to identify what documents if any he/she needs to see, and whom he/she needs to interview.

In exceptional cases, where it is appropriate to keep a complainant's identity confidential, or where disclosure of details of the complaint to the Member might prejudice the investigation, the Monitoring Officer can delete the name and address from the documents given to the Member, or delay notifying the Member until the investigation has progressed sufficiently. The Monitoring Officer shall keep the issue of confidentiality under review throughout the complaints process.

The Investigator will advise the complainant and the Member of the scope of the investigation, including proposed timescales, the witnesses to be interviewed and the documents required. The Investigator has sole discretion as to how to conduct the investigation and conclude the investigation report.

At the end of his/her investigation, the Investigator will produce a draft report and will send copies of that draft report, in confidence, to the Monitoring Officer, the complainant and to the Member concerned.

The Monitoring Officer, the complainant and the Member will have an opportunity to comment on the draft report. However, the Investigator has sole discretion as

to whether to amend the report taking account of any comments made. The Investigator will then forward the final report to the Monitoring Officer, the complainant, and the Member.

The Monitoring Officer will review the Investigator's report and consult the Independent Person as necessary.

If the Monitoring Officer is not satisfied that the investigation has been conducted properly or is insufficient to determine the complaint, he/she may ask the Investigator to reconsider his/her report. If the Monitoring Officer is satisfied that the Investigator's report is sufficient, the Monitoring Officer will determine one of the following courses of action:

- **That the report finds no breach of the Members' Code of Conduct** – the Monitoring Officer will advise the complainant and the Member that the matter is concluded.

- **That the report finds a breach or a potential breach of the Members' Code of Conduct** – the Monitoring Officer will write to the parties confirming this and propose one of the following options:
 - (i) The Monitoring Officer may consider that the matter can be reasonably resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and with the complainant to agree what is a fair resolution. Such a resolution may include the Member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action. If the Member complies with the suggested resolution, the Monitoring Officer will take no further action. If the Member concerned is not prepared to undertake any proposed action (such as giving an apology), then the Monitoring Officer will refer the Investigator's report to the Standards Sub-Committee.
 - (ii) Referral for a hearing by the Standards Sub-Committee.

6. **Procedure for Hearings by the Standards Sub-Committee**

(i) Pre-hearing

The Monitoring Officer will conduct a "pre-hearing process", requiring the Member to give his/her response to the Investigator's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing.

As part of the pre-hearing process, the Monitoring Officer can also take any steps he/she thinks may assist the smooth running of the hearing. These may include clarifying whether the Member will be represented or not (the Member can choose to be accompanied or represented by a person of their choice), clarifying if any witnesses are to be called and ensuring that any access needs of the Member or any participant are accommodated.

(ii) Standards Sub-Committee Hearing Procedure

The procedure for meetings of the Standards Sub-Committee shall be as follows:

1. The Chair of the Sub-Committee to make introductions and deal with any preliminary business.
2. The Sub-Committee to consider whether the meeting should be considered in public or private session under the provisions of the Local Government Act 1972.
3. The Independent Person shall be entitled to attend the meeting to give advice and views to the Sub-Committee at any stage.
4. The Chair will explain the procedure to be followed at the hearing.
5. The Sub-Committee may take advice, in private if necessary, at any time during the hearing.
6. The Sub-Committee shall resolve any issues or disagreements about how the meeting should continue that have not been resolved prior to the meeting during the “pre-hearing” process.
7. The Monitoring Officer to present his/her report to the Sub-Committee.

Findings of Fact

8. The Investigator to present his/her report, call any witnesses, and to make any representations to the Sub-Committee.
9. The Chair to invite any questions to the Monitoring Officer, Investigator or any witnesses from the Member, Independent Person and the Sub-Committee.
10. The Chair to invite the Member to give his/her evidence, call witnesses and to make representations to the Sub-Committee.
11. The Chair to invite any questions to the Member or any witnesses from the Monitoring Officer, Investigator, Independent Person and the Sub-Committee.
12. If the Member disagrees with any relevant fact in the Investigator’s report, without having given prior notice of the disagreement, they must give good reasons for not mentioning it before the hearing. If the Investigator is not present, the Sub-Committee will consider whether it would be in the public interest to continue in their absence.

After considering the Member’s explanation for not raising the issue at an earlier stage, the Sub-Committee may then:

- continue with the hearing, relying on the information in the Investigator's report; or
 - allow the Member to make representations about the issue, and invite the Investigator to respond and call any witnesses, as necessary; or
 - postpone the hearing to arrange for appropriate witnesses to be present, or for the Investigator to be present if they are not already.
13. The Sub-Committee to adjourn to consider the findings of fact in private.
 14. The Chair to announce the Sub-Committee's findings of fact.

Has there been a breach of the Members' Code of Conduct?

The Sub-Committee to consider whether, based on the facts it has found, that the Member has failed to follow the Members' Code of Conduct:

15. The Chair to invite the Member to give relevant reasons why the Sub-Committee should decide that he/she has not failed to follow the Code.
16. The Chair to invite representations from the Investigator.
17. The Chair to invite representations from the Independent Person.
18. The Sub-Committee may, at any time, question anyone involved on any points they raise on their representations.
19. The Chair to invite the Member to make any final relevant points.
20. The Sub-Committee will then adjourn to consider the representations and evidence in private as to whether the Member failed to comply with the Members' Code of Conduct.
21. The Chair will announce the Sub-Committee's decision as to whether the Member has failed to follow the Members' Code of Conduct.

Conclusions, Sanctions and Recommendations

22. If the Sub-Committee decides that the Member has not failed to follow the Members' Code of Conduct, the Sub-Committee can consider whether it should make any recommendations to the Council.
23. If the Sub-Committee decides that the Member has failed to follow the Members' Code of Conduct, it will consider any verbal or written representations from the Investigator and the Member as to:
 - Whether the Sub-Committee should take any action.
 - What form that action should take.
24. The Sub-Committee may question all parties and take any advice, to make sure they have information they need to make an informed decision.

25. The Sub-Committee will then adjourn to deliberate in private and consider whether to take any action in respect of the subject Member and, if so, what action to take.
26. The Sub-Committee may also consider whether it should make any other recommendations to the Council.
27. The Chair to announce the Sub-Committee's decision.
28. A decision letter will be sent to all parties as soon as possible.
29. The public minutes of the Standards Sub-Committee will be published on the Council's website and submitted to the next convenient meeting of the Audit and Standards Committee for information.

7. **Action available to the Standards Sub-Committee**

The Council has delegated powers to the Standards Sub-Committee to determine the appropriate course of action in respect of any complaints heard.

The action taken by the Sub-Committee, following a finding of a breach of the Members' Code of Conduct, must be proportionate taking account of the facts and circumstances of each individual case. The Sub-Committee has no power to suspend or disqualify the Member from office or to withdraw Members' Allowances.

The Sub-Committee may consider the following actions (although this is not an exhaustive list):

- Reporting the findings to Council.
- If the Member is a member of a political group, recommending to the Member's Group Leader that the Member in question be removed from the Cabinet, any or all Committees or Sub-Committees of the Council or Other Bodies subject to statutory and constitutional requirements.
- Formal letter from the Council or the Chair of the Audit and Standards Committee to the Member in question.
- Formal censure through a motion.
- Withdrawal of facilities (eg: ICT).
- Arrange training for the Member.

8. **Appeals**

There is no right of appeal for the Complainant or for the Member against any of the decisions made by the Monitoring Officer or by the Standards Sub-Committee in accordance with these arrangements.

If a complainant feels that the Council has failed to deal with the complaint properly, he/she may make a complaint to the Local Government and Social Care Ombudsman.

Members' Code of Conduct

1. Purpose

The purpose of this Code of Conduct is to assist you, as a Councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all Councillors and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of Councillors and local government.

2. Definitions

For the purposes of this Code of Conduct, a "Councillor" means a member or co-opted member of a local authority.

A "Co-opted Member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a Member of the authority but who:

- a) is a Member of any Committee or Sub-committee of the authority, or;
- b) is a Member of, and represents the authority on, any joint Committee or joint Sub-Committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that Committee or Sub-Committee".

3. General Principles of Councillor Conduct

Everyone in public office at all levels; all who serve the public or deliver public services, should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles. These are shown in Appendix A.

Building on these principles, the following general principles have been developed specifically for the role of a Councillor:

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of Councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

4. Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Councillor or attend your first meeting as a Co-opted Member. It continues to apply to you until you cease to be a Councillor.

This Code of Conduct applies to you when you are acting in your capacity as a Councillor which may include when:

- you misuse your position as a Councillor
- your actions would give the impression to a reasonable member of the public, with knowledge of all the facts, that you are acting as a Councillor.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a Councillor.

The Council's Monitoring Officer has a statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct.

5. Standards of Councillor Conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a Councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result

in action being taken. Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

5.1 Respect

As a Councillor:

- **I treat other Councillors and members of the public with respect.**
- **I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the Police. This also applies to fellow Councillors, where action could then be taken under the Members' Code of Conduct, and local authority employees, where concerns can be raised with the Chief Executive, Monitoring Officer or appropriate Director.

5.2 Bullying, harassment and discrimination

As a Councillor:

- **I do not bully any person.**
- **I do not harass any person.**
- **I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

5.3 Impartiality of officers of the Council

As a Councillor:

- **I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral. They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

5.4 Confidentiality and access to information

As a Councillor:

- **I do not disclose information:**

- (a) given to me in confidence by anyone**
- (b) acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - (i) I have received the consent of a person authorised to give it;**
 - (ii) I am required by law to do so;**
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - (iv) the disclosure is:**
 - reasonable and in the public interest; and**
 - made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - I have consulted the Monitoring Officer prior to its release.**
- I do not improperly use knowledge gained solely as a result of my role as a Councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**
- I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5.5 Disrepute

As a Councillor:

- I do not bring my role or local authority into disrepute.**

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Council whilst continuing to adhere to other aspects of this Code of Conduct.

5.6 Use of position

As a Councillor:

- **I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

5.7 Use of local authority resources and facilities

As a Councillor:

- **I do not misuse Council resources.**
- **I will, when using the resources of the local authority or authorising their use by others:**
 - (a) act in accordance with the local authority's requirements; and**
 - (b) 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 local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a Councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a Councillor more effectively and are not to be used for business or

personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

5.8 Complying with the Code of Conduct

As a Councillor:

- **I undertake Code of Conduct training provided by my local authority.**
- **I cooperate with any Code of Conduct investigation and/or determination.**
- **I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**
- **I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a Councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with the Council's Monitoring Officer.

5.9 Protecting your reputation and the reputation of the local authority

Interests

As a Councillor:

- **I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow Councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable.

You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also

important that the public know about any interest that might have to be disclosed by you or other Councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained. You should note that failure to register or disclose a disclosable pecuniary interest is a criminal offence under the Localism Act 2011.

Appendix B sets out detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from the Monitoring Officer.

Gifts and hospitality

As a Councillor:

- **I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- **I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £100 within 28 days of its receipt.**
- **I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a Councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Councillor. If you are unsure, do contact the Council's Monitoring Officer for guidance.

The Seven Principles of Public Life

The principles are:

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 disclose 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.

Members Interests

The Localism Act 2011 provides for the registration and disclosure of interests. The form in Table 1 shall be used to record interests disclosed by Councillors. The Monitoring Officer shall be responsible for maintaining the register of interests and its publication on the Council's website.

Any reference to a "meeting" below means any meeting organised by or on behalf of the Council, including:

- Any meeting of the Council, the Cabinet or any Committee, Sub-Committee or Working Group.
- In taking a decision as an individual Cabinet Member or Ward Member.
- Any briefing with officers.
- Any site visit associated with any business of the Council.

Disclosable Pecuniary Interests

Members must:

- Comply with the statutory requirement to register, disclose and withdraw from participating in respect of any matter in which you have a Disclosable Pecuniary Interest.
- Ensure that the register of interests is kept up to date and notify the Monitoring Officer, in writing, within 28 days of becoming aware of any change(s) in respect of your interests.
- Make a verbal declaration of the existence and nature of any Disclosable Pecuniary Interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.

Other Interests

In addition, if Members attend a meeting at which any item of business is to be considered and you are aware that you have a "Non-Disclosable Pecuniary Interest" or a "Non-Pecuniary Interest" in that item, you must make a verbal declaration of the existence and nature of the interest at or before the consideration of the item or as soon as the interest becomes apparent.

You have a "Non-Disclosable Pecuniary Interest" or a "Non-Pecuniary Interest" in an item of business where:-

- A decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax Payers, ratepayers or inhabitants of the ward or

electoral area for which you have been elected or otherwise of the Council's administrative area; or

- It relates to or is likely to affect any of the interests set out in the form attached to this Code, but in respect of a member of your family (other than a relevant person referred to on the form) or a person with whom you have a close association;

and that interest is not a Disclosable Pecuniary Interest.

It is the responsibility of Members to disclose interests and to withdraw from participating in meetings as and when necessary in accordance with both the requirements of the Members' Code of Conduct and the Council's Constitution.

Sensitive interests

"Sensitive interests" mean those that contain information, the details of which if disclosed publicly, could lead to a Member or a person connected with a Member, being subjected to violence or intimidation.

Where a Member considers that the details of a Disclosable Pecuniary Interest contains sensitive information, and the Monitoring Officer agrees, the Monitoring Officer shall not include details of the interest on the public version of the register. The Monitoring Officer may include a statement that an interest exists but the details are withheld.

Dispensations

The Council may grant a dispensation, but only in limited circumstances, to enable a Member to participate and vote on a matter in which they have a Disclosable Pecuniary Interest.

Members do not have Disclosable Pecuniary Interests in any business of the Council where that business relates to functions of the Council in respect of:

- housing, where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease;
- school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full-time education, or are a parent governor of the school, unless it relates particularly to the school which the child attends;
- statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- any allowance, payment or indemnity given to Members;
- any ceremonial honour given to Members; and
- setting the Council Tax or a precept under the Local Government Finance Act 1992 as amended.

Localism Act 2011 – Section 30(3)

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

REGISTER OF MEMBER’S DISCLOSABLE PECUNIARY AND OTHER INTERESTS

NAME

A Member of

DUDLEY METROPOLITAN BOROUGH COUNCIL

PLEASE NOTE that you are required to register the Disclosable Pecuniary Interests of ‘relevant persons’ which includes:-

- (a) yourself as the Member or Co-opted Member;
- (b) the interests of the following persons in so far as you are aware of the existence of the interests of the other person(s):
 - your spouse or civil partner
 - a person with whom you are living as husband and wife
 - a person with whom you are living as if you were civil partners.

PLEASE STATE ‘NONE’ WHERE APPROPRIATE

(a) Employment, office, trade, profession or vocation

Any employment, office, trade, profession or vocation carried on for profit or gain.

(b) Sponsorship

Any payment or provision of any other financial benefit (other than from the Council) made to the Councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Councillor, or towards his/her 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.

(c) Contracts

Any contract made between the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the 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.

(d) Land and Property

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

'Land' excludes an easement, servitude, interest or right in or over land which does not give the Councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.

(e) Licenses

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

(f) Corporate tenancies

Any tenancy where (to the Councillor's knowledge)—

- (a) the landlord is the Council; and
- (b) the tenant is a body that the Councillor, or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.

(g) Securities

Any beneficial interest in securities* of a body where:

(a) that body (to the Councillor's 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 the Councillor, or his/ her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

(h) Gifts and Hospitality

Details of the interests of any person from whom a gift or hospitality has been received with an estimated value of at least £100; or

Details of any significant gift or hospitality that the Councillor has been offered but has refused to accept.

(i) Other Registrable Interests

You must register as an Other Registerable Interest:

a) any unpaid directorships

b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority

c) any body

- exercising functions of a public nature

- directed to charitable purposes

- one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

- of which you are a member or in a position of general control or management.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.