



Members' Code of Conduct

Peterborough City Council

1. BACKGROUND

1.1. Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. 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”.
- (c) For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

1.2. Purpose of the Code of Conduct

The Members’ Code of Conduct is intended to promote high standards of behaviour amongst the elected and co-opted members of the council. It is intended 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 LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

1.3. Principles of Public Life

The Code is underpinned by the following principles of public life, which should be borne in mind, when interpreting the meaning of the Code:

i. **Selflessness**

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

ii. **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.

iii. **Objectivity**

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

iv. **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.

v. **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.

vi. **Honesty**

Holders of public office should be truthful.

vii. **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.

2. GENERAL PRINCIPLES & APPLICATION

2.1. General principles of Councillor Conduct

Everyone in public office at all levels; all who serve the public or deliver public services including ministers, civil servants, councillors and local authority officers should uphold the Seven Principles of Public Life, also known as the Nolan Principles. Building on these principles, the following general principles have been developed specifically for the role of 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.

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- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

2.2. 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 and 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; and
- 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.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

PART 1 GENERAL PROVISIONS

~~You are a member or co-opted member of Peterborough City Council and hence you shall have regard to the following principles — selflessness, integrity, objectivity, accountability, openness, honesty and leadership.~~

~~Accordingly, when acting in your capacity as a member or co-opted member—~~

~~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.~~

~~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.~~

~~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.~~

~~You are accountable for your decisions and actions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.~~

~~You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should give reasons for those decisions and actions and restrict information only where the wider public interest clearly demands.~~

~~You must declare any private interests, both pecuniary and non-pecuniary, 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 conforming with the procedures set out in the box below.~~

~~You must, when using or authorising the use by others of the resources of your authority, 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.~~

~~You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.~~

3. 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.

3.1. GENERAL CONDUCT

3.1.1. 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 Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor- officer protocol.

3.1.2. BULLYING, HARASSMENT AND DISCRIMINATION

As a Councillor I do not:

- **Bully any person; and/or**
- **Harass any person.**

I promote equalities and do not discriminate unlawfully against any person.

The above should apply particularly at Full Council meetings.

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.

3.1.3. 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 (unless they are political assistants). 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.

3.1.4. CONFIDENTIALITY AND ACCESS TO INFORMATION

As a councillor I do not disclose information:

- **given to me in confidence by anyone;**
- **acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless:**
 - **I have received the consent of a person authorised to give it;**
 - **I am required by law to do so;**
 - **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**
 - **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.

3.1.5. 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.

3.1.6. 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. This includes complying with Peterborough City Council's Gifts and Hospitality Policy at Appendix 1.

3.1.7. I DO NOT MISUSE COUNCIL RESOURCES

I will, when using the resources of the local authority or authorising their use by others:

- **act in accordance with the local authority's requirements; and**
- **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 and 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.

4. COMPLYING WITH THE CODE OF CONDUCT

As a Councillor:

- **I undertake Code of Conduct training provided by my local authority on an annual basis and apply its principles in all aspects of my work as a councillor;**
- **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 your Monitoring Officer. Protecting your reputation and the reputation of the local authority

5. 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 as set out in Table 1, is a criminal offence under the Localism Act 2011. Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

5.1. Registration Requirements

You must, within 28 days of taking office as a member or co-opted member, or following your re-election or re-appointment to office, notify register with your authority's monitoring officer ~~of any disclosable pecuniary interest as defined by regulations made by the Secretary of State which falls within the categories set out in Table 1 and,~~ 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.

In addition, you must also, within 28 days of taking office as a member or co-opted member, or following your re-election or re-appointment to office register with notify your authority's monitoring officer of any ~~disclosable pecuniary or non-pecuniary~~ other personal interests which your authority has decided should be included in the register and which fall within the categories set out in Table 2.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.

You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

If an interest has not been entered onto the authority’s register, then the member must disclose the interest to any meeting of the authority 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’.

Following any disclosure of an interest not on the authority’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.

5.2. NON-PARTICIPATION IN THE CASE OF A DISCLOSABLE PECUNIARY INTEREST

~~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.~~

Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest.

Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest and you should discuss this with the Monitoring Officer.

5.3. DISCLOSURE OF OTHER REGISTERABLE INTERESTS

~~Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a non-statutory pecuniary or non-pecuniary interest as defined by your authority.~~

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

5.4. DISCLOSURE OF NON-REGISTERABLE INTERESTS

You should not act or take decisions in order to gain financial or other material benefits for yourself, your family, or your friends. You must declare and resolve any interests, seeking the advice of the Monitoring Officer as necessary on what needs to be declared.

Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which affects:

- (a) your own financial interest or well-being;
- (b) a financial interest or well-being of a relative or close associate; or
- (c) a financial interest or wellbeing of a body included under Other Registrable Interests as set out in Table 2, you must disclose the interest.

In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:

Where a matter affects the financial interest or well-being:

- (i) to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- (ii) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

5.5. SINGLE MEMBER ACTION

If you are empowered to discharge functions acting alone, and are aware that you have a disclosable pecuniary interest or other interest in any matter being dealt with, you must not take any steps, or any further steps, in relation to the matter (except for the purposes of enabling the matter to be dealt with otherwise than by you).

If the Disclosable Pecuniary Interest is not entered in the Register and is not subject to a Pending Notification, you must notify the Monitoring Officer of the Disclosable Pecuniary Interest before the end of 28 days, beginning with the date of when you became aware of the matter

6. RELATED DOCUMENTS

The following documents also provide guidance on the standards of conduct expected of members and can assist in the interpretation of this Code of Conduct. These documents can be found in the Council's Constitution.

1. The Constitution & Ethics Committee Rules of Procedure set out the arrangements for dealing with an alleged breach of this Code
2. PCC's Planning Code of Conduct deals specifically with the Code of Conduct within the remit of the Planning and Environmental Protection Committee
3. PCC's Social Media Code for members sets out appropriate behaviour when using social media and acting, or appearing to act, in your capacity as a councillor
4. PCC's Member/Officer Protocol sets out how members and officers should work together
5. PCC's Gifts and Hospitality Policy which sets out the procedures under which registration and declaration of interests, gifts and hospitality are to be made.

TABLE 1 – DISCLOSABLE PECUNIARY INTERESTS

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011. This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

You must declare an interest if:

- (a) it is your interest, or
- (b) it is an interest of:
 - (i) your spouse or civil partner;
 - (ii) a person with whom you are living husband and wife, or
 - (iii) a person with whom you are living as if you were civil partners

and you are aware that that other person has the interest.

SUBJECT	DESCRIPTION
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from PCC) <u>made to the councillor during the previous 12-month period for</u> for any expenses incurred by you in carrying out your duties as a <u>member/councillor</u>, or towards your election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract <u>made between you or your spouse/civil partner or the person with whom you are living as if you were spouses/civil partners (for 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 with PCC:</u></p> <ul style="list-style-type: none"> (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged. <p><u>This includes a contract between PCC and any body in which you, or a person specified in paragraph 8.2(b) below, has a beneficial interest</u></p>

Land and Property	Any beneficial interest in land which is within PCC’s area <u>‘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.</u>
Licences	Any licence (alone or jointly with others) to occupy land in the PCC’s area for a month or longer.
Corporate Tenancies	Any tenancy where (to your knowledge): (a) the landlord is PCC; and (b) the tenant is a body in which you <u>or your spouse or civil partner or person with whom you are living as if you were spouses/civil partners is a partner or a director of or has a beneficial interest in the securities of,</u> or a person listed in paragraph 8.2(b) below, has a beneficial interest
Securities	Any beneficial interest in securities of a body where: (a) that body (to your knowledge) has a place of business or land in PCC’s area; 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 person in paragraph 8.2 (below) has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

“**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;

“**Director**” includes a member of the committee of management of an industrial and provident society;

“**Land**” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“**M**” means a member of a relevant authority;

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

“**Relevant Authority**” means the authority of which M is a member;

“**Relevant Period**” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“**Relevant Person**” means M or any other person referred to in section 30(3)(b) of the Act;

- i) M’s spouse or civil partner,
- ii) A person with whom M is living as husband and wife, or
- iii) A person with whom M is living as if they were civil partners.

“**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.

TABLE 2 – OTHER REGISTERABLE 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:
 - (i) exercising functions of a public nature;
 - (ii) directed to charitable purposes; or
 - (iii) 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

PETERBOROUGH CITY COUNCIL GIFTS AND HOSPITALITY POLICY

INTRODUCTION

This Policy sets out guidance for elected members, co-opted members and independent members (“Members”) on the principles governing the acceptance of gifts and hospitality.

Members are likely to be offered gifts or hospitality during the course of conducting Council business. This raises an initial question of deciding whether or not to accept. The acceptance of a gift or hospitality potentially creates a risk to the integrity and reputation of the Member as well as the Council itself. The overriding objective is to ensure transparency in the dealings of the Council, which in turn is a safeguard against this and any associated allegations of misconduct.

The fundamental principle of this Policy is that a Member should not do anything that might give rise to the inference that they have or may have been influenced by a gift or hospitality, to show bias for or against anybody or any organisation in carrying out their duties. Members are therefore strongly advised to be cautious and should consult the Monitoring Officer if they are in any doubt.

LAW AND GOVERNANCE

Legal Position

While there is now no specific statutory requirement for members/co-opted members to register the offer of gifts and hospitality, the Bribery Act 2010 provides that if you accept any gift, loan, fee, reward or advantage whatsoever as an inducement or reward for doing or forbearing to do anything in respect of any matter or transaction in which the Council is concerned, you commit a criminal offence carrying a maximum term of imprisonment of 10 years or a fine or both.

Members’ Code of Conduct and Constitution

The Council’s Members’ Code of Conduct (Part 5, Section 1 of the Constitution) provides that you must serve the public interest, rather than acting in the interests of any particular individual or section of the community, and it is a breach of the Code to 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.

GENERAL PRINCIPLES

In deciding whether it is proper to accept any gift or hospitality, you should apply the following principles. Even if it would normally be appropriate to accept a small gift or hospitality, you should not do so if it would be in breach of one or more of these principles:

- Never accept a gift or hospitality as an inducement or reward for anything you do as a Member.
- You must not be influenced in the discharge of your duties by the offer, prospect of an offer, or the non-offer of any inducement or reward for discharging those duties in a particular manner.
- You should only accept a gift or hospitality if there is a commensurate benefit to the Council.

- The only proper reason for accepting any gift or hospitality is that there is a commensurate benefit for the Council that would not have been available but for the acceptance of that gift or hospitality.
- Acceptance of hospitality can confer an advantage on the authority, such as an opportunity to progress the business of the authority through a working lunch. Acceptance of a gift is much less likely to confer such an advantage. But unless the benefit to the Council is clear and is commensurate with the value of the gift or hospitality, the presumption must be that the gift or hospitality is purely for your personal benefit.
- Never accept a gift or hospitality if acceptance might be open to misinterpretation.
- The appearance of impropriety can be just as damaging to the Council and to you as a Member as actual impropriety. The Council’s ability to govern rests upon its reputation for acting fairly and in the public interest. You must consider whether acceptance of the gift or hospitality is capable of being interpreted as a sign that you or the Council favours any particular person, company, organisation or section of the community or as placing you under any improper obligation to any person or organisation. If so, you must either refuse the gift or hospitality or take appropriate steps to ensure that such a misunderstanding cannot arise.
- Certain occasions are particularly sensitive and require the avoidance of any opportunity for such misunderstanding. These include:
 - competitive procurement processes;
 - determinations of planning applications or planning policy;
 - funding decisions.
- Never accept a gift or hospitality that puts you under an improper obligation. Some commercial organisations and private individuals see the provision of gifts and hospitality as a means of buying influence. If you accept a gift or hospitality improperly, they may seek to use this fact to persuade you to determine an issue in their favour. If others note that you have been prepared to accept a gift or hospitality improperly, they may feel that they will no longer be able to secure impartial consideration from the Council.
- Never solicit a gift or hospitality in connection with your position as a Member and you should also take care to avoid giving any indication that you might be open to any such improper offer.

GIFTS

In general, all gifts should be refused, this includes all such offers from organisations or persons who do, or might provide work, goods or services to the Council or who need some decision from the Council. These rules also apply to discounts offered to an individual Member going beyond those offered to the general public (other than those available to all Members and Officers).

As general guidance, the following small gifts worth under an individual value of £50 or accumulative value of £100 (from a single source) over the course of a municipal year may occasionally be accepted (provided that they do not conflict with the General Principles):

- office equipment or stationery given by way of trade advertisements or for use in the office. Nothing more elaborate than calendars, pens or diaries would fall within this exception. (NB: You should take care not to display any such branded items when this might be taken as an indication of favour to a particular supplier or contractor, for example in the course of a procurement exercise).
- gifts of only token value given on the conclusion of an official courtesy visit, for example, a visiting delegation.
- Gifts e.g. a box of chocolates or flowers of a value less than £25 provided they are given as a genuine show of appreciation of work undertaken but should never be accepted if it may give rise to an appearance of influence or reward.

HOSPITALITY

Offers of hospitality should always be approached with caution and offers of hospitality where any suggestion of improper influence is possible must be refused.

Hospitality should only be accepted with the utmost caution, and on a scale appropriate, to the occasion or the circumstances. Acceptance may make it difficult to avoid some obligation to the party offering it and might later be thought to have affected a Member’s impartiality in dealing with official matters.

Some offers of hospitality are always unacceptable for example, offers of holiday accommodation. Others will need to be considered on their facts, for example, invitations to sporting fixtures, evenings at the theatre or similar entertainment should only be accepted when they are required for the conduct of Council business or can properly be considered to provide a commensurate benefit to the Council not the individual Member. Hospitality on a lower scale than this may also be unacceptable. No absolute dividing-line can be laid down.

There is an important difference between, for example, attendance in an official capacity at a function organised by a public authority and accepting hospitality from a private individual or firm standing to benefit from the goodwill of the Council. However, it will not always be possible or even desirable to reject offers of hospitality on a modest scale. Acceptable hospitality is that not exceeding an individual value of £50 or an accumulative value (from a single source) of £100 over the course of a municipal year such as official hospitality at a function organised by a public authority; a drink and sandwich following a site visit; or a working lunch of modest standard to enable business discussions. The decision whether to accept or not must depend on the circumstances in each case but hospitality should never be accepted if it may give rise to an appearance of influence or reward.

WILLS & BEQUESTS

If there is any connection between your work as a Member and being a beneficiary under a will, then you need to be cautious as the offer of any benefit will need to be considered carefully in accordance with the General Principles and if accepted, may need to be registered. You should discuss this matter fully with the Monitoring Officer before a decision is taken on acceptance or refusal.

SPONSORSHIP

Offers of sponsorship need to be treated carefully. If the offer is to sponsor the Council it should be referred to the Monitoring Officer who will consider the offer in accordance with the Council’s usual processes.

If the offer is to sponsor you as an individual, it should be dealt with in the same way as an offer of a gift or hospitality. In some cases such offers may be acceptable for example, where colleagues or others are sponsoring you for a charitable purpose. In other cases they may not be acceptable for example, where they are related in some way to the work of the Council or your role as a Member; involve significant sums; or seek specific outcomes for the person or organisation making the offer. If in doubt you should consult the Monitoring Officer.

GIFTS TO THE COUNCIL

You may at some time be offered a gift for the Council as opposed to a gift to you in your individual capacity as a Member. Such gifts could take several forms, for example: land, buildings, goods, services, either for the

Council to retain or test with a view to future acquisition; offers to carry out works, or provide services; or sponsorship of a Council-supported or organised function or activity. In such cases you should report the offer on receipt to the Monitoring Officer who will consider and determine in accordance with normal Council processes whether the Council should or should not accept the gift.

The Monitoring Officer will notify the person or the organisation offering the gift, whether it is accepted or not and will:

- Record the acceptance or non-acceptance;
- Record the outcome for audit purposes;
- Ensure the gift, if accepted, is properly applied for the benefit of the Council.

GIFTS TO THE CHAIR

Gifts received by the Chair in his or her official capacity are deemed to be gifts of the Council. The Chair should record the receipt of all such gifts in the Register and in consultation with the Monitoring Officer determine how best they may be used for the benefit of the Council.

REGISTER

In order to protect your integrity and that of the Council, and to counter any possible accusations or suspicion of improper conduct, the organisation will maintain a central register of gifts and hospitality.

All gifts and offers of hospitality accepted by you or your partner in accordance with the General Principles should be recorded on a Member Gifts and Hospitality Declaration Form (see Appendix A) and recorded centrally at giftsandhospitality@peterborough.gov.uk.

All declarations should be made within 28 days of receipt of offer and will be published on the Council’s website

If you are in any doubt as to whether to accept or decline any gift, hospitality or sponsorship then you are advised to seek the Monitoring Officer’s advice before doing so. In order to do this you will need to advise the Monitoring Officer of the following:

- The nature and your estimate of the market value of the gift or hospitality;
- The name of the person or company offering the gift or hospitality;
- The connection which you have with the person or organisation making the offer or invitation such as any work which you have undertaken for the Council in which they have been involved;
- Any work, permission, concession or facility that you are aware that the person or organisation making the offer or invitation may seek from the Council;
- Any special circumstances that lead you to believe that acceptance would not be improper.

The Monitoring Officer will give you advice wherever possible but it will be a matter for you to make the decision as to whether to accept or decline.

You may also make a voluntary declaration to be entered on the Register of Gifts and Hospitality, even if you have declined the gift or hospitality or the value of the gift or hospitality is less than the maximum permissible amount. If you are concerned that an offer or its acceptance might be misinterpreted you may make such a voluntary declaration to ensure that there is nothing secret or underhand about the gift or hospitality or your actions

WHAT DO I NEED TO DECLARE AT A MEETING?

If a matter under consideration at a meeting is likely to affect a person who gave you a gift or hospitality then you must declare the existence and nature of the gift or hospitality, the source who gave it to you and how the business under consideration relates to that source.

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