

LOCAL GOVERNMENT ACT 2000

Code of Conduct for Members

ADOPTED APRIL 2002

OLDHAM 
Metropolitan Borough 

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PART 1 - GENERAL PROVISIONS

SCOPE

1. (1) This code of conduct was adopted pursuant to the Local Government Act 2000 by resolution of Oldham Metropolitan Borough Council (“the Council”) on 24TH April 2002 and applies to every Member of the Council.
- (2) In this code of conduct “Member” includes a co-opted member of the Council entitled to vote at any meeting of the Council or Executive or of any Committee of the Council.
- (3) A Member must observe the Council’s code of conduct whenever he/she –
 - (a) conducts the business of the Council;
 - (b) conducts the business of the office to which he/she has been elected or appointed; or
 - (c) acts as a representative of the Council,and references to a Member’s official capacity shall be construed accordingly.
- (4) This Council’s code of conduct shall not, apart from paragraphs 4 and 5 (a) below, have effect in relation to the activities of a Member undertaken other than in an official capacity.
- (5) Where a Member acts as a representative of the Council –
 - (a) on another relevant authority (as defined in the Local Government Act 2000) he/she must, when acting for that other authority, comply with that other authority’s code of conduct; or
 - (b) on any other body, he/she must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

GENERAL OBLIGATIONS

2. A Member must –
 - (a) promote equality by not discriminating unlawfully against any person;

- (b) treat others with respect; and
 - (c) not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the Council.
- 3.** A Member must not –
- (a) disclose information given to him/her in confidence by anyone, or information acquired which he/she believes is of a confidential nature, without the consent of a person authorised to give it, or unless he/she is required by law to do so; nor
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
- 4.** A member must not in his/her official capacity, or any other circumstance, conduct himself/herself in a manner which could reasonably be regarded as bringing his/her office or the Council into disrepute.
- 5.** A member –
- (a) must not in his/her official capacity, or any other circumstance, use his/her position as a member improperly to confer on or secure for himself/herself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of the Council –
 - (i) act in accordance with the Council's requirements; and
 - (ii) 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 Council or of the office to which the member has been elected or appointed.
- 6.** (1) A Member must when reaching decisions –
- (a) have regard to any relevant advice provided to him/her by –
 - (i) the Council's chief finance officer acting in pursuance of his/her duties under section 114 of the Local Government Finance Act 1988; and
 - (ii) the Council's monitoring officer acting in pursuance of his/her duties under section 5(2) of the Local Government and Housing Act 1989; and

- (b) give the reasons for those decisions in accordance with the Council's and any statutory requirements in relation to the taking of an executive decision.
 - (2) In sub-paragraph (1)(b) above and in paragraph 9(2) below, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.
7. A member must, if he/she becomes aware of any conduct by another member which he/she reasonably believes involves a failure to comply with this code of conduct, make a written allegation to that effect to the Standards Board for England as soon as it is practicable for him/her to do so.

PART 2 - INTERESTS

PERSONAL INTERESTS

8. (1) A member must regard himself/herself as having a personal interest in any matter if the matter relates to an interest in respect of which notification must be given under paragraphs 14 and 15 below, or if a decision upon it might reasonably be regarded as affecting to a greater extent than other council tax payers, ratepayers or inhabitants of the Council's area, the well-being or financial position of himself/herself, a relative or a friend or –
- (a) any employment or business carried on by any such person;
 - (b) any person who employs or has appointed any such person, any firm in which they are a partner, or any company of which they are directors;
 - (c) any corporate body in which any such person has a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
 - (d) any body listed in sub-paragraphs (a) to (e) or paragraph 15 below in which any such person holds a position of general control or management.
- (2) In this paragraph –
- (a) "relative" means a spouse, partner, parent, parent-in-law, son, daughter, stepson, stepdaughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and

- (b) “partner” in sub-paragraph (2)(a) above means a member of a couple who live together.

DISCLOSURE OF PERSONAL INTERESTS

- 9. (1) A member with a personal interest in a matter who attends a meeting of the Council at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Subject to paragraph 12(1)(b) below, a member with a personal interest in any matter who has made an executive decision in relation to that matter must ensure that any written statement of that decision records the existence and nature of that interest.

PREJUDICIAL INTERESTS

- 10. (1) Subject to sub-paragraph (2) below, a member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member’s judgement of the public interest.
- (2) A member may regard himself/herself as not having a prejudicial interest in a matter if that matter relates to –
 - (a) another relevant authority (as defined in the Local Government Act 2000) of which he/she is a member;
 - (b) another public authority in which he/she holds a position of general control or management;
 - (c) a body to which he/she has been appointed or nominated by the Council as its representative;
 - (d) the housing functions of the Council where the member holds a tenancy or lease with a relevant authority (as defined in the Local Government Act 2000), provided that he does not have arrears of rent with that relevant authority of more than two months, and provided that those functions do not relate particularly to the member’s tenancy or lease;
 - (e) the functions of the Council in respect of school meals, transport and travelling expenses, where the member is a guardian or parent of a child in full time education, unless it relates particularly to the school which the child attends;

- (f) the functions of the Council in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where the member is in receipt of, or is entitled to the receipt of such pay from a relevant authority (as defined in the Local Government Act 2000); and
- (g) the functions of the Council in respect of an allowance or payment made under sections 173 to 176 of the Local Government Act 1972 or section 18 of the Local Government and Housing Act 1989.

OVERVIEW AND SCRUTINY COMMITTEES

11. (1) For the purposes of this Part, a member must if he/she is involved in the consideration of a matter at a meeting of an overview and scrutiny committee of the Council or a sub-committee of such a committee, regard himself/herself as having a personal and a prejudicial interest if that consideration relates to a decision made, or action taken, by another of the Council's –
- (a) committees or sub-committees; or
 - (b) joint committees or joint sub-committees,
- of which he/she may also be a member.
- (2) But sub-paragraph (1) above shall not apply if that member attends that meeting for the purpose of answering questions or otherwise giving evidence relating to that decision or action.

PARTICIPATION IN RELATION TO PREJUDICIAL INTERESTS

12. (1) Subject to sub-paragraph (2) below, a member with a prejudicial interest in any matter must –
- (a) withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at this meeting unless he/she has obtained a dispensation from the Council's Standards Committee;
 - (b) not exercise executive functions in relation to that matter; and
 - (c) not seek improperly to influence a decision about that matter.
- (2) A member with a prejudicial interest may, unless that interest is of a financial nature, and unless it is an interest of the type described in paragraph 11 above, participate in a meeting of any of the Council's –

- (a) overview and scrutiny committees; or
- (b) joint or area committees,

to the extent that such committee is not exercising functions of the authority or its executive.

13. For the purposes of Part 2 of this code of conduct, 'meeting' means any meeting of –

- (a) the Council;
- (b) the Executive or an Executive Member of the Council; or
- (c) any of the Council's or its Executive's committees, sub-committees, joint committees, joint sub-committees, or area committees.

PART 3 - THE REGISTER OF MEMBERS' INTERESTS

REGISTRATION OF FINANCIAL AND OTHER INTERESTS

14. Within 28 days of the provisions of this code of conduct being adopted or applied to the Council or within 28 days of his/her election or appointment to office (if that is later), a member must register his/her financial interests in the Council's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to the Council's monitoring officer of -

- (a) any employment or business carried on by him/her;
- (b) the name of the person who employs or has appointed him/her, the name of any firm in which he/she is a partner, and the name of any company for which he/she is a remunerated director;
- (c) the name of any person, other than a relevant authority (as defined in the Local Government Act 2000), who has made a payment to him/her in respect of his/her election or any expenses incurred by him/her in carrying out his/her duties;
- (d) the name of any corporate body which has a place of business or land in the Council's area, and in which the member has a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
- (e) a description of any contract for goods, services or works made between the Council and himself/herself or a firm in which he/she is a

partner, a company of which he/she is a remunerated director, or a body of the description specified in sub-paragraph (d) above;

- (f) the address or other description (sufficient to identify the location) of any land in which he/she has a beneficial interest and which is in the area of the Council;
 - (g) the address or other description (sufficient to identify the location) of any land where the landlord is the Council and the tenant is a firm in which he/she is a partner, a company of which he/she is a remunerated director, or a body of the description specified in sub-paragraph (d) above; and
 - (h) the address or other description (sufficient to identify the location) of any land in the Council's area in which he/she has a licence (alone or jointly with others) to occupy for 28 days or longer.
- 15.** Members will be required to register and declare any interest that they believe might be regarded by the public as likely to influence the Members' work on the Authority.
- 16.** Within 28 days of the provisions of this code of conduct being adopted by or applied to the Council or within 28 days of his/her election or appointment to office (if that is later), a member must register his/her other interests in the Council's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to the Council's monitoring officer of his/her membership of or position of general control or management in any –
- (a) body to which he/she has been appointed or nominated by the Council as its representative;
 - (b) public authority or body exercising functions of a public nature;
 - (c) company, industrial and provident society, charity, or body directed to charitable purposes;
 - (d) body whose principal purposes include the influence of public opinion or policy; and
 - (e) trade union or professional association.
- 17.** A Member within 28 days of becoming aware of any change to any of the interests specified under paragraphs 14 to 16 above, provide written notification to the Council's monitoring officer of that change.

REGISTRATION OF GIFTS AND HOSPITALITY

- 18** A member must within 28 days of receiving any gift or hospitality over the value of £25 (or such other amount as shall be prescribed under or in accordance with the Local Government Act 2000), provide written notification to the Council's monitoring officer of the existence and nature of that gift or hospitality. Every notification received by the monitoring officer will be recorded in a register which is open for public inspection.
- 19.** It is recommended that notification be provided in the form appended to this code of conduct, in relation to any offer of such gift or hospitality, with an indication of whether the gift or hospitality has been accepted.

PART 4 – MISCELLANEOUS PROVISIONS

- 20.** Reference in this code to any statute, order, regulation or other provision shall where the context admits be deemed to include any amendment thereto or any subsequent provision to the same or similar effect.
- 21.** This code of conduct shall continue in force subject to any amendment or rescission approved by resolution of the Council or prescribed by or under any statute, regulation, order, or rule of law.
- 22.** Any allegation made in writing to the Council, the Standards Committee or the Council's monitoring officer which alleges (either explicitly or implied) to involve a failure by any member to observe this code of conduct shall as soon as is practicable be referred by the monitoring officer to the Standards Board for England. The monitoring officer, at the same time as referring the matter to the Standards Board, shall inform the relevant member of the complaint.
- 23.** Any complainant who makes a complaint shall be informed that the complaint shall be forwarded to the Standards Board and the member who is subject to the complaint at the expiry of seven days from receipt of the letter by the monitoring officer, unless the complainant requests that the complaint be dealt with in some other manner.
- 24.** If the complainant does not wish the complaint to be sent to the member, they shall be advised to write to the Standards Board for England directly.

OLDHAM METROPOLITAN BOROUGH COUNCIL

MEMBERS' REGISTER OF GIFTS AND HOSPITALITY

(Code of Conduct For Members – Paragraphs 18 & 19)

Member's Name:

- 1. Details of gift(s)/hospitality/invitation(s) offered**
(indicating dates if appropriate)

.....
.....

- 2. Estimated value (if possible) of gift(s)/hospitality/invitation(s)**

.....

- 3(a) Name and address of person/organisation making the offer**

.....

- (b) their relationship with the Council**

- 4. Offer accepted or gift/hospitality received** **Yes/No**
(please delete whichever does not apply)

- 5. Declaration**

I declare that the information given above is correct to the best of my knowledge and belief

Signed: Date:

- 6. Notification to Monitoring Officer**

Once completed, this notification should be forwarded to:

**The Monitoring Officer, c/o Committee Services, Room 447, Civic Centre,
West Street, Oldham, OL1 1UL.**

Received: Date:
p.p. Monitoring Officer

OLDHAM METROPOLITAN BOROUGH COUNCIL

**LOCAL GOVERNMENT ACT 2000, PART III
CODE OF CONDUCT FOR MEMBERS**

I,, being a member / co-opted member of Oldham Metropolitan Borough Council (the 'Council') hereby undertake to observe the code as to the conduct which is expected of members and co-opted members of the Council, which was adopted by the Council on 24th April 2002.

I am aware that under paragraph 7 of the code a member must, if he/she becomes aware of any conduct by another member, which he/she reasonably believes a failure to comply with the code, make a written allegation to that effect to the Standards Board for England as soon as it is practicable for him/her to do so.

Signed

Date

Received and filed on behalf of the Council:

Signed by/on behalf of
The Monitoring Officer

Date