

# BARNSELY METROPOLITAN BOROUGH COUNCIL

## REPORT OF THE EXECUTIVE DIRECTOR CORE SERVICES

### REGISTRATIONS OF MEMBERS INTERESTS/CODE OF CONDUCT – RESPONSE TO AUDIT REPORT

#### **1. INTRODUCTION**

- 1.1 An Internal Audit Review of the arrangements for the Registration of Member and Officer Interests was undertaken during the Summer/Autumn 2017. This report proposes revisions to the Member Code of Conduct and the associated for the Registration of Members' Interests in response to the review.

#### **2. RECOMMENDATIONS**

- 2.1 **That the recommendations arising from the Internal Audit review of the Registration of Member Interests be noted;**
- 2.2 **That the revised Member Code of Conduct, amended in the light of the review as outlined in section 4 of the report and attached at Appendix 1, be approved;**
- 2.3 **That forms for the Registration of Gifts and Hospitality and for the Declaration of Relationships, as set out at Appendices 2 and 3 respectively, be approved.**

#### **3. BACKGROUND**

- 3.1 The Ethical Standards arrangements for Members changed significantly as a result of the requirements of the Localism Act 2011. This places a duty on Councils to promote and maintain high standards of conduct. Councils are also required to establish a Code of Conduct setting out behaviours expected of Members to meet these standards, in line with Nolan principles. The Act maintains the requirement for Members to complete Registration of Interests. Councils can determine what interests should be registered, subject to the inclusion of "disclosable pecuniary interests" defined in the Act. The Act also introduced a new system for the investigation of complaints made against Members said to have broken the Code of Conduct. This Council adopted a new Code of Conduct and other arrangements at its meeting on 5th July 2012.
- 2.2 On 4<sup>th</sup> June 2015, the Council approved an update to the Code of Conduct, to incorporate the Vision for Future Council, together with associated Values and Behaviours. The Vision, Values and Behaviours were established to guide programmes of development for both Elected Members and staff, and detailing them in the Member Code of Conduct completed this link.

2.3 During Summer / Autumn 2017, an Internal Audit review of the Registration of Interests process was undertaken as part of the agreed 2017/8 work programme. The scope of the review was to provide assurance that the current arrangements for the declaration and recording of interests, gifts and hospitality amongst Members and employees was robust and operating in accordance with an approved policy/procedure. The conclusion of the Audit in respect of Members processes was generally positive, although with 10 recommendations for consideration, four of which related to Members. Some of these are in the nature of process issues, but a number merit consideration by Elected Members before they are implemented.

### **3. RECOMMENDATIONS OF THE AUDIT REVIEW AND PROPOSED RESPONSES**

3.1 The Audit concluded that the process for Members to complete and update their Registration of Interest form was generally well observed by Members. It was noted that some Registrations of Interests had not been updated for over a year, although it was acknowledged that there was no obligation under the Localism Act 2011 to do so unless there were any changes. However, Members are reminded of the need to review their Registration at least annually, and the Audit report recommends that this review requirement should be formally reflected in an updated Code of Conduct. It is proposed to amend the Code of Conduct in line with this recommendation.

3.2 The Audit review specifically considered issues that arose from the Casey Review of Rotherham MBC, where Members had failed to record employment as Hackney Carriage/Private Hire Drivers or a position as a School Governor. The Review concluded that there were no issues in relation to Hackney Carriage/Private Hire Driver employment being recorded on the forms of Barnsley Councillors. However, 7 out of 9 Members had not recorded their School Governor appointment on Section 2 of the Registration form. It is therefore proposed to make specific reference to the need to include School Governor appointments on the form, also asking Members to ensure that the correct name for the school is used.

3.3 As part of the Annual Statement of Accounts process, Elected Members are requested to complete a related party transactions questionnaire. In brief, this requires Members to identify any contractual relationship with the Council, any monies owed to them by the Council or any monies they owed to the Council for the financial year in question. The Audit has identified the need to secure a better response rate to this questionnaire by highlighting its importance to Members and by the Service Director Finance working more closely with Members Services to encourage a better response. These arrangements were implemented for the questionnaire relating to the year 2017/8, and the signs are that a better return will be achieved as a result.

3.4 Arrangements are in hand for Elected Members to notify the Monitoring Officer of any gifts or hospitality they have received valued in excess of £100. The Audit review identified that there is no standard form which Elected Members are required to complete to give this notification and it is recommended that a form similar to that used by Officers for this purpose be adopted. The Audit report also recommends that items notified be collated into a Register, which could then be made public. Finally, the Audit report also notes that the amount for Officers is currently £10 (proposed to increase to £25), and recommends that a similar common amount

should be established for Elected Members. It is proposed to adopt these recommendations.

3.5 The Audit report also noted that a number of issues were incorporated into the Officer Code of Conduct that did not appear in that for Members and suggested that consideration should be given to these being included. These are:-

- Declaration of Relationships – Whilst the Registration of Interest form identifies the need for Members to record disclosable pecuniary interests of their spouse, it makes no reference to the declaration of relationships with named Members or Officers. This is a feature of the Officer Code of Conduct, and is intended to prevent collusion and/or provide transparency in the way that businesses are undertaken. The Audit report recommended that consideration be given to adopting similar requirement for Elected Members. It is proposed to adopt this recommendation, with the information not made public, but be available internally to senior officers, in line with arrangements for staff.
- Drugs and alcohol – A zero tolerance policy in respect of the consumption of alcohol and drugs during the working day has recently been introduced for employees, including when flexed out and likely to return to work. The only exception for alcohol is in respect of attendance at social functions associated with work, where employees are expected to show responsible behaviour. Failure to observe the policy is a disciplinary matter for staff. The application of the policy to Members is not straightforward, as arguably they are always “on duty” and there are different processes to deal with any reputational issues associated with irresponsible consumption of alcohol. It is therefore proposed that the Member Code of Conduct, be revised requiring Members to have due regard to the Policy and to behave responsibly in alcohol consumption.
- Smoking/vaping at work – Since July 2007, employees, Members or members of the public have not been permitted to smoke in or in the immediate vicinity of the entrance to any Council workplace or in Council vehicles. This was extended in November 2013 to include vaping. This has recently been updated to require staff to take steps so that they are not identified as a Council employee when on smoking/vaping breaks, as well as more accurately recording these breaks. This is to deal with any potential reputational issues regarding the promotion of “stop smoking” messages by the Council. Again, the position is slightly different for Members, so it is proposed to revise the Member Code of Conduct, requiring Members to have due regard to the Policy in relation to the reputational aspects.

#### **4. CONCLUSION**

4.1 The proposed revisions arising from the Audit report are incorporated into the updated Member Code of Conduct attached at Appendix 1. The proposed forms to record Gifts and Hospitality and Declarations of Relationships are attached at Appendix 2 and Appendix 3 respectively. Members are requested to approve the report to give effect to these revisions.

## **5. FINANCIAL AND EMPLOYEE IMPLICATIONS**

- 5.1 There are no financial or employee implications arising directly from this report. There will be some revisions to the arrangements for dealing with the Registration of Interests, but this should not have a significant impact on workload or costs.

## **6. LIST OF APPENDICES**

- Appendix 1: Proposed revised Members Code of Conduct
- Appendix 2: Proposed form for Registration of Gifts and Hospitality
- Appendix 3: Proposed form for Declaration of Relationships

## **7. BACKGROUND PAPERS**

- Current Members Code of Conduct
- Internal Audit Final Report

If you would like to inspect background papers for this report, please email [governance@barnsley.gov.uk](mailto:governance@barnsley.gov.uk) so that appropriate arrangements can be made

**Officer Contact:** Ian Turner

**Date:** 16 April 2018

BARNSLEY METROPOLITAN BOROUGH COUNCIL

**MEMBERS CODE OF CONDUCT**

This Code applies to you as a Member or Co-opted Member of Barnsley Metropolitan Borough Council when you act in your role as a member or as a member of any other body to which you have been appointed by the Council, and it is your responsibility to comply with the provisions of this Code.

- “Meeting“ means any meeting of the Council, its Cabinet or any Scrutiny Committee, Regulatory Board, or Panel;
- “Pecuniary interest“ means any interest which affects your financial position whether favourably or adversely;
- “Non-pecuniary interest“ means any interest which affects your personal wellbeing.

IN EITHER CASE this also includes the position or wellbeing if affected to the best of your knowledge of:

- Any body of which you are a member or in a position of general control or management;
- A member of your family or any other person with whom you are closely acquainted;
- Any person or body who employs or has appointed you or such persons, any firm in which you or they are a partner, or any company of which you or they are directors;
- Any person or body in whom you or such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000.

**a) General Conduct**

As a Member or Co-opted Member of Barnsley Metropolitan Borough Council you are committed to behave in a manner which is consistent with the following principles:-

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership by example.

You should conduct yourself in a manner which is consistent with the Council’s duty to promote and maintain high standards of conduct of Members.

You must act only 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, or those with whom you are closely associated.

You should treat others with respect.

You should make all decisions on merit and be as open as possible about your decisions, and should be prepared to give proper reasons for those decisions.

You must not place yourself under a financial or other obligation to any outside individuals or organisations that might seek to influence you in the performance of your official duties.

When using or authorising the use by others of the resources of the Council you must ensure that those resources are not used improperly for political purposes and you must have regard to any Code of Publicity made under the Local Government Act 1986.

You should not disclose information given to you in confidence by anyone or information which you reasonably believe or ought reasonably to be aware is of a confidential nature:

- **UNLESS** you have the consent of the person authorised to give it or you are required by law to do so or the disclosure is reasonable and in the public interest.
- **AND** you have consulted the Executive Director Core Services prior to its release.

## **b) Vision and Values – Members Responsibilities and Behaviours**

The Council has developed a new vision and values as part of its work on Future Council. The vision is supported by a set of values that have been developed to drive change and improvement to achieve the Council's future priorities and outcomes.

The Council's new vision:

***'Working Together for a brighter future, a better Barnsley'.***

The core values developed are:

1. **Working Together** – we work as one to do the best that we can for our customers and our communities.
2. **Honesty** – we are open, honest, true to our word, reliable and fair.
3. **Excellence** – we are committed to quality and value for money and believe only our best is good enough.
4. **Pride** – we are proud of what we do to make Barnsley a better place.

A set of defined behaviours for elected members (see Appendix 1) have been developed in line with the Council's core vision and values and in accordance with the principles outlined in the Members Code of Conduct which governs the behaviours of members.

These behaviours clearly outline what is expected from you in performing your duties whether in official meetings or in less formal settings when working with partners, the community and officers.

### **c) Dignity at Work**

The Council is committed to creating and maintaining a positive working environment where all elected members and employees are treated with dignity, respect and are free from any form of harassment, bullying and victimisation.

The Dignity at Work Policy sets out guiding principles of workplace behaviour which applies to elected members and employees.

*If you would like further information on this policy, please click on the link below:-*

[Dignity at Work Policy](#)

### **d) Code of Conduct for Employees**

The 'Code of Conduct for Employees' is aimed at ensuring that all employees are aware of the standards of behaviour expected of them by the Council.

The Code covers the protocols for relations between elected members and employees, as well as the expected professional standards of behaviour between them.

*If you would like further information on this policy, please click on the link below:-*

[Code of Conduct for Employees](#)

### **e) Smoking and Drugs & Alcohol Policies**

The Council has established a policy for employees relating to smoking at work and in public, having regard to legal position and the role of the Council in promoting healthy lifestyles. In particular, people are expected to remove items that identify them as Council employees.

The Council has also established a policy for employees to put in place a safe and healthy working environment to ensure that employees are fit to carry out their duties safely and effectively in a working environment which is free from alcohol and drugs misuse. It operates a zero tolerance policy in respect to consumption of alcohol and drugs during the working day.

Members are in a different contractual position to employees and these policies cannot be applied to them directly. However, Members should consider the potential for reputational damage to themselves and the Council if seen smoking in public or under the influence of excessive alcohol or drugs when on Council business. Members are therefore expected to have due regard to these policies when on Council business.

*If you would like further information on these policies, please click on the links below:-*

[Smoking](#)

**f) Disclosure of Interests and Participation**

If you have any pecuniary or non-pecuniary interest in any matter at any meeting of the Authority or any meeting with officers at which you are present you must disclose that interest and give sufficient details of it so that the nature of your interest is clearly understood.

Unless a dispensation has been granted you should not take part in or vote on any item of business at any meeting of the Authority where your interest is a “disclosable pecuniary interest” which you are required to register in accordance with regulations made by the Secretary of State as listed in Schedule 1 to this Code, and you should withdraw from the meeting during the consideration of that item.

**g) Registration of Interests**

You must within 28 days of taking office as a Member or Co-opted Member notify the Executive Director Core Services for entry on the Council’s Register of Members’ Interests any “disclosable pecuniary interest” as defined in regulations made by the Secretary of State, as listed in Schedule 1 to this Code, where that interest is yours, that of your spouse or civil partner, or that of somebody with whom you are living as husband and wife or as if you were civil partners. Your interests and those of your spouse / partner are subject to inspection by the public and will be published on the Council’s website.

In addition you must, within the same time periods, notify the Executive Director Core Services of any pecuniary or non-pecuniary interest which the Council has decided should be included in the Register of Members’ Interests as listed in Schedule 2 to this Code.

You must also notify the Executive Director Core Services within 28 days of any such interest arising for the first time. In addition, you must review your Register of Interests at least every 12 months, on the receipt of a request to do so from the Monitoring Officer or his staff.

You must register with the Executive Director Core Services within 28 days of receipt details of any gifts or hospitality which you have accepted as a member from any person or body other than the Authority, the value of which exceeds £25, using the form available from Members’ Services. This information is subject to inspection by the public and will be published on the Council’s website.

**h) Declaration of Relationships**

In order to demonstrate transparency in the way that the business of the Council is conducted and to avoid collusion, Members must complete a Declaration of Relationship form within 28 days of taking office. This will identify any close personal or family relationships that the Member has with any other Members or Officers of the Council. The form will be made available internally to senior officers, in line with arrangements for employees. Forms for this purpose are available from Members’ Services.

## **Schedule 1 – “Disclosable Pecuniary Interests”**

### 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 relevant authority) made or provided within the relevant period in respect of any expenses incurred by the member in carrying out duties as a member, or towards the election expenses of the member.
- This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).

### c) Contracts

- Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:-
  - (a) under which goods or services are to be provided or works are to be executed; and
  - (b) which has not been fully discharged.

### d) Land

- Any beneficial interest in land which is within the area of the relevant authority. This includes your home.

### e) Licences

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

### f) Corporate Tenancies

- Any tenancy where (to the member's knowledge):-
  - (a) the landlord is the relevant authority; and
  - (b) the tenant is a body in which the relevant person has a beneficial interest.

### g) Securities

Any beneficial interest in securities of a body where:-

- a) that body (to the member's knowledge) has a place of business or land in the area of the relevant authority; and

- (b) either -
- (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
  - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of that total issued share capital of that class.

## **Schedule 2 - Other Interests required to be registered**

Membership of any Body:-

- to which you are appointed or nominated by the Authority.
- or exercising functions of a public nature, including membership of a School Governing Body.
- or dedicated to charitable purposes.
- or one of whose principal purposes includes the influence of public opinion or policy (including any political party and trade union).
- Membership of a private club or society.
- Membership of any organisation which promotes secrecy amongst its membership.

## **Arrangements for handling ethical standards complaints by Barnsley MBC**

The Executive Director Core Services as Monitoring Officer should initially consider any complaint received and determine whether the complaint warrants any specific consideration by members. This will allow trivial or vexatious complaints to be filtered out at an early stage.

The Executive Director Core Services shall consult the Independent Person as appropriate. Where it is considered that the complaint warrants further consideration by members the Executive Director Core Services shall arrange for an officer or some other person if appropriate to carry out a further investigation and to produce a report of their findings.

The Executive Director Core Services shall inform the member who is the subject of the complaint of the nature of the complaint and that it is subject to investigation. That report shall be considered by a Panel of three members selected from the membership of the Appeals and Awards Regulatory Board by the Executive Director Core Services in consultation with the Chair of the Board.

The Panel shall contain a majority of members who are not members of any Political Group on which the elected member who is the subject of the complaint is represented.

In the event that the complaint relates to a Parish Councillor, a Parish Council representative appointed by the Council shall be invited to attend the Panel on an advisory basis but such representative shall not be entitled to vote.

The Panel shall consider the report and consider whether any further action is appropriate.

In the event that it is considered that further action may be appropriate the Panel shall arrange to hold a hearing at which the elected member who is the subject of the complaint shall be entitled to be present and to be heard.

The views of Independent Person required to be appointed under section 28 of the Localism Act 2011 shall be sought as appropriate and where sought shall be taken into account before any decision is taken by the Panel with regard to the allegation.

In the event that the allegation is upheld the Panel shall either:-

- Determine that no further action be taken.
- Recommend to the Council any further appropriate action be taken in accordance with the general powers available to the Authority.

The Executive Director Core Services shall inform the member of the outcome of the complaint.

# Our Values and Behaviours

## Our Values:



### We're a Team

*We all work together towards the same goal – to make Barnsley a better place for the people who live, work and visit here*



### We're Honest

*We always say what we mean. Most of all we're reliable, fair and true*



### We'll be Excellent

*We work really hard to provide the best quality and value for money for the people of Barnsley. Only our best is good enough*



### We're Proud

*We're dedicated to making Barnsley a better place. We take pride in our work*

## Elected Members' Pledge - As elected members we will:

Work collaboratively to build strong working relationships to ensure effective and efficient services are provided to the people of Barnsley.

Engage constructively with others, respecting different points of view, adapting our own approach to achieve consensus and agreement.

Build good relationships with other colleagues and officers by working collaboratively to achieve shared goals and priorities.

Working proactively to create partnerships with different sections and groups in the community in order to ensure their involvement in decision making and planning.

Communicate honestly and openly, constructively challenging and offering different perspectives for different and improved ways of working.

Be honest, trustworthy and reliable, taking responsibility and accountability for our own actions and decisions.

Encourage trust and understanding between individuals and groups by mediating fairly and constructively by representing all sections of the community.

Be aware of the effects of our own behaviour and actions on others and make reasonable and manageable demands to ensure co-operation and involvement.

Promote an effective working environment with colleagues, officers, partner organisations and members of the public and be flexible in providing solutions to deliver improvements and resolve issues.

Drive continuous improvement by taking ownership and responsibility to improve the way things are done, supporting, motivating and empowering others to achieve their full potential.

Actively engage and encourage the community to participate in the services they receive, to help the Council improve the quality of its services and make best use of its resources.

Acts as a critical friend by identifying opportunities for scrutiny inside and outside the Council and by providing constructive challenge and feedback to ensure delivery of high performing, quality services.

Consistently articulate and actively model the Council's core values, demonstrating through example, the pride in being an elected member and representing the interests of Barnsley's communities.

Act as an ambassador and advocate of the Council, building a culture that delivers the best results for Barnsley and its communities.

Drive forward community participation to create stronger more resilient communities who collectively are committed to improving their local area and the town of Barnsley.

Empower communities to be proud of their areas and to help them shape local services to meet the need of the area.