

THE NORTH WESTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

CODE OF CONDUCT FOR AUTHORITY MEMBERS

Part 1

General Provisions

Scope

1. (1) A Member must observe the North Western Inshore Fisheries and Conservation Authority's Code of Conduct whenever he/she -
 - (a) conducts the business of the Authority;
 - (b) conducts the business of the office to which he/she has been elected or appointed by the Authority, or
 - (c) acts, claims to act or gives the impression they are acting as a representative of the Authority and references to their official capacity are construed accordingly.
- (2) This Code of Conduct will not, apart from paragraphs 5 and 6(a) below, have effect in relation to the activities of a Member undertaken other than in an official capacity.
- (3) Where a Member acts as a representative of the Authority
 - (a) on another relevant authority they must, when acting for that other authority, comply with that other authority's Code of Conduct; or
 - (b) on any other body, they must, when acting for that other body, comply with this Authority's Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
- (4) In this Code, "Member" includes a co-opted member of the Authority.

General Obligations

2. A Member must treat others with respect.
3. A Member must not -
 - (a) do anything which may cause the Authority to breach any equality enactments (as defined in section 33 of the Equality Act 2006);
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be:-
 - (i) a complainant
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a Member (including themselves) has failed to comply with his or her Authority's code of conduct or

- (d) do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.

4. A Member must not:-

- (a) disclose information given to them in confidence by anyone, or information acquired which they believe, or ought to be aware, is of a confidential nature, except where:-
 - (i) they have the consent of a person authorised to give it;
 - (ii) they are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:-
 - (aa) reasonable and in the public interest, and
 - (bb) made in good faith and in compliance with the reasonable requirements of the Authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

5. A Member must not in their official capacity, or any other circumstances, conduct themselves in a manner which could reasonably be regarded as bringing their office or the Authority into disrepute.

6. A Member -

- (a) must not in their official capacity, or any other circumstances, use their position as a Member improperly to confer on or secure for themselves or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of the Authority;
 - (i) act in accordance with the Authority's reasonable requirements; and
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes).

7. A Member must when reaching decisions have regard to any relevant advice provided to them by:-

- (a) the Authority's Chief Executive; or
- (b) the Authority's Finance Officer,

where the officer is acting pursuant to his or her statutory powers.

8. A Member must, if they become aware of any conduct by another Member which they reasonably believe involves a failure to comply with the Authority's Code of Conduct, make a written allegation to that effect to the Chief Executive as soon as it is practicable to do so.

PART 2

Interests

Personal Interests

9. (1) Members have a personal interest in any business of the Authority where either –
- (a) it relates to or is likely to affect –
 - (i) any body of which they are a member or in a position of general control or management and to which they are appointed or nominated by the Authority;
 - (ii) any body –
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),of which they are a member or in a position of general control or management;
 - (iii) any employment or business carried on by them;
 - (iv) any person or body who employs or has appointed them;
 - (v) any person or body, other than a relevant authority; who has made a payment to them in respect of their election or any expenses incurred by them in carrying out their duties;
 - (vi) any person or body who has a place of business or land in the Authority's area, and in whom they have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract for goods, services or works made between the Authority and them or a firm in which they are a partner, a company of which they are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom they received a gift or hospitality with an estimated value of at least £25;

- (ix) any land in their Authority's area in which they have a beneficial interest;
 - (x) any land where the landlord is the authority and they are, or a firm in which they are a partner, a company of which they are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the Authority's area for which they have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting their well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of –
- (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
 - (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
 - (iii) (in all other cases) other council tax payers, ratepayers or inhabitants of their authority's area.
- (2) In sub-paragraph (1)(b), a relevant person is –
- (a) a member of their family or any person with whom they have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of Personal Interests

10. (1) Subject to sub-paragraphs (2) to (7), where Members have a personal interest in any business of the authority and they attend a meeting of the Authority at which the business is considered, they 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) Where Members have a personal interest in any business of the Authority which relates to or is likely to affect a person described in paragraph 9(1)(a)(i) or 9(1)(a)(ii)(aa), they need only disclose to the meeting the existence and nature of that interest when they address the meeting on that business.

- (3) Where Members have a personal interest in any business of the Authority of the type mentioned in paragraph 9(1)(a)(viii), they need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where Members are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where Members have a personal interest but, by virtue of paragraph 17, sensitive information relating to it is not registered in the Authority's register of members' interests, they must indicate to the meeting that they have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where Members have a personal interest in any business of the Authority and they have made an executive decision in relation to that business, they must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "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.

Prejudicial Interest Generally

- 11. (1) Subject to sub-paragraph (2), where Members have a personal interest in any business of the Authority they also have a prejudicial interest in that business where 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 their judgement of the public interest.
- (2) Members do not have a prejudicial interest in any business of the authority where that business –
 - (a) does not affect their financial position or the financial position of a person or body described in paragraph 9;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to them or any person or body described in paragraph 9; or
 - (c) relates to functions of the Authority in respect of –
 - (i) housing, where they are a tenant of the Authority provided that those functions do not relate particularly to their tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where they are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where they are in receipt of, or are entitled to the receipt of, such pay;

- (iv) an allowance, payment of indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Effect of Prejudicial Interest on Participation

12. (1) Subject to sub-paragraph (2), where Members have a prejudicial interest in any business of the authority –
 - (a) they must withdraw from the room or chamber where a meeting considering the business is being held –
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless they have obtained a dispensation from the Authority's Standards Committee;
 - (b) Members must not exercise executive functions in relation to that business; and
 - (c) Members must not seek improperly to influence a decision about that business.
- (2) Where Members have a prejudicial interest in any business of the authority, they may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3

The Register of Members Interests

13. Within 28 days following the provisions of the Authority's Code of Conduct being adopted or within 28 days of their election or appointment a Member must register their personal interests when they fall within a category mentioned in paragraph 8(1)(a) in a register maintained by the Authority for this purpose by providing written notification to the Chief Executive to the Authority.
14. A Member must within three months of becoming aware of any change to the interests specified under paragraph 13 above, provide written notification to the Chief Executive to the Authority of that change.
15. A Member must within 28 days of receiving any gift or hospitality over the value of £25 provide written notification to the Chief Executive to the Authority of the existence and nature of that gift or hospitality.

16. (1) The Authority will establish a Standards Committee to whom will be referred all allegations received by the Chief Executive under paragraph 8 and any other allegations of breach of the Code of Conduct referred to the Chief Executive or of which he/she becomes aware.
- (2) The Standards Committee will establish procedures for dealing with allegations referred to it and for dealing with dispensations under paragraph 12(1)(a).
- (3) The Standards Committee will be entitled to make recommendations to the Authority for taking action against any member of the Authority against whom the Standards Committee conclude that an allegation is substantiated.

Sensitive Information

17. (1) Where Members consider that the information relating to any of their personal interests is sensitive information, and the Chief Executive agrees, they need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 14.
- (2) Members must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify the Chief Executive asking that the information be included in the Authority's register of members' interests.
- (3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that they or a person who lives with them may be subjected to violence or intimidation.