



# Code of Conduct

**Board Members**

**Version 1.1**

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# Upper and Lower Medway Internal Drainage Boards

## Members Code of Conduct

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## Foreword

This Members' Code of Conduct has been prepared by the Upper and Lower Medway Internal Drainage Board and is compliant with the *Code of Conduct for Board Members of Public Bodies* issued by the Cabinet Office, June 2011.

The Board has adopted this Members' Code of Conduct as one of its policies and is committed to its implementation. The Board will be required to review the Members' Code of Conduct periodically and update it as appropriate.

Oliver Pantrey

Clerk to the Board

## Part 1

### General Provisions

#### 1. Introduction and interpretation

This code applies to **you** as a member of an Internal Drainage Board.

In this code “member” includes:

- an appointed member
- an elected member
- a co-opted member
- member of an Internal Drainage Board.

As a member it is your responsibility to comply with the provisions of this Code.

In this Code “meeting” means any meeting of:

- the Internal Drainage Board
- any of the Internal Drainage Board’s committees or sub-committees, joint committees, or joint sub-committees.

#### 2. Scope

2.1 Subject to paragraphs 2.2 to 2.5, you must comply with this Code whenever you:

- conduct the business of your Internal Drainage Board (which, in this Code, includes the business of the office to which you are elected or appointed); or
- act, claim to act or give the impression you are acting as a representative of your Internal Drainage Board, and references to your official capacity are construed accordingly.

2.2 Subject to paragraphs 2.3 and 2.4, this Code does not have effect in relation to your conduct other than where it is in your official capacity.

2.3 In addition to having effect in relation to conduct in your official capacity, paragraphs 4.2(c), 4.5 and 4.5(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

2.4 Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in paragraph 2.3) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

2.5 Where you act as a representative of your Internal Drainage Board:

- on another relevant Internal Drainage Board, you must, when acting for that other Internal Drainage Board, comply with that other Internal Drainage Board’s code of conduct; or
- on any other body, you must, when acting for that other body, comply with your Internal Drainage Board’s code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

#### 3. Key Principles of Public Life

3.1 When acting as a member or employee of an Internal Drainage Board you should behave in a manner consistent with the following principles to achieve good water management of the district, and maintain public confidence in the Internal Drainage Board:

#### 4. General conduct

4.1 You must treat others, including employees and members of your Internal Drainage Board, with courtesy and respect.

4.2 You must not:

- do anything which may cause your Internal Drainage Board to breach the Equality Act 2010
- bully any person
- intimidate or attempt to intimidate any person who is or is likely to be:
  - a complainant,
  - a witness, or
  - involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her Internal Drainage Board's code of conduct; or
- do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your Internal Drainage Board.
- ask or encourage members or employees of your Internal Drainage Board to act in any way which would conflict with their own Code of Conduct.

4.3 You must not:

- disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
  - you have the consent of a person authorised to give it;
  - you are required by law to do so
  - 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
  - the disclosure is:
    - reasonable and in the public interest; and
    - made in good faith and in compliance with the reasonable requirements of the Internal Drainage Board; or
- prevent another person from gaining access to information to which that person is entitled by law.

4.4 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or Internal Drainage Board into disrepute.

4.5 You may engage in political activity but should, at all times, remain conscious of your responsibilities as an Internal Drainage Board member and exercise proper discretion.

4.6 You:

- must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- must, when using or authorising the use by others of the resources of your Internal Drainage Board:
  - act in accordance with your Internal Drainage Board's reasonable requirements; and
  - ensure that such resources are not used improperly for personal gain or political purposes (including party political purposes).

## **5. Use of Public Funds**

- 5.1 You have a duty to ensure the safeguarding of public funds and the proper custody of assets which have been publicly funded.
- 5.2 You must carry out your fiduciary obligations responsibly – that is, take appropriate measures to ensure that the body uses resources efficiently, economically and effectively, avoiding waste and extravagance.

## **6. Allowances**

- 6.1 You must comply with the rules set by the Internal Drainage Board regarding remuneration, allowances and expenses. It is your responsibility to ensure compliance with all relevant HM Revenue and Customs' requirements concerning payments, including expenses.

## **7. Gifts and hospitality**

- 7.1 You must not accept any gifts or hospitality which might, or might reasonably appear to, compromise your personal judgement or integrity or place you under an improper obligation.
- 7.2 You must never canvass or seek gifts or hospitality.
- 7.3 You must comply with the rules set by the body on the acceptance of gifts and hospitality. You should inform the Clerk (or equivalent) of any offer of gifts or hospitality and ensure that, where a gift or hospitality is accepted, this is recorded in a public register in line with the rules set by the body.
- 7.4 You are responsible for your decisions on the acceptance of gifts or hospitality and for ensuring that any gifts or hospitality accepted can stand up to public scrutiny and do not bring the public body into disrepute.

## **8. Responsibilities**

- 8.1 You should play a full and active role in the work of the Internal Drainage Board. You should fulfil your duties and responsibilities responsibly and, at all times, act in good faith and in the best interests of the Board.
- 8.2 You should deal with the public and their affairs fairly, efficiently, promptly, effectively and sensitively, to the best of your ability. You must not act in a way that unjustifiably favours or discriminates against particular individuals or interests.
- 8.3 You must comply with any statutory or administrative requirements relating to your post.
- 8.4 You should respect the principle of collective decision-making and corporate responsibility. This means that, once the Board has made a decision, you should support that decision.
- 8.5 You must not use, or attempt to use, the opportunity of public service to promote your personal interests or those of any connected person, firm, business or other organisation.
- 8.6 You should act in the interests of the Board as a whole and not as a representative or delegate of the body by whom you are appointed. You must not use your position as a Board Member except for the benefit of the Board.
- 8.7 As a Board Member you have duties and responsibilities analogous to those of directors of companies, who owe a fiduciary duty to the company and must exercise independent judgement.
- 8.8 If a bare majority of the Board, with due cause, consider that you have not acted within this Code of Conduct for Members you should consider resigning as a Member of the Board forthwith.

## Part 2

### Members Interests

#### 9. Personal interests

9.1 You must ensure that no conflict arises, or could reasonably be perceived to arise, between your public duties and your personal interests – financial or otherwise.

9.2 You must comply with the rules of the Board on handling conflicts of interests set out in paragraphs 10 to 14.

9.3 You must remove yourself from the discussion or determination of matters in which you have a financial interest. In matters in which you have a non-financial interest, you should not participate in the discussion or determination of a matter where the interest might suggest a danger of bias.

9.4 When considering what non-financial interests should be declared, you should ask yourself whether a member of the public, acting reasonably, would consider that the interest in question might influence your words, actions or decisions.

9.5 It is your responsibility to ensure that you are familiar with the Board's rules on handling conflicts of interests, that you comply with these rules and that your entry in the Board's register of members' interests is accurate and up-to-date.

9.6 You have a personal interest in any business of your Internal Drainage Board where it might affect or is:

- any body
  - of which you are a member or in a position of general control or management and to which you are appointed or nominated by your Internal Drainage Board.
- any body
  - exercising functions of a public nature
  - directed to charitable purposes; or
  - 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.
- any employment or business carried on by you or member of your family.
- any person or body who employs or has appointed you.
- any person or body, other than a relevant Internal Drainage Board, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties.
- any person or body who has a place of business or land in your Internal Drainage Board's area, and in whom you 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);
- any contract for goods, services or works made between your Internal Drainage Board and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
- the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25.
- any land in your Internal Drainage Board's area in which you have a beneficial interest.
- any land where the landlord is your Internal Drainage Board and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description is the tenant.

- any land in the Internal Drainage Board's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer or
- a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of:
  - other council taxpayers, or
  - ratepayers or inhabitants of the electoral division affected by the decision.

9.7 In paragraph 9.6(b), a relevant person is—

- a member of your family or any person with whom you have a close association.
- 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.
- 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
- any body of a type described in paragraph 9.6.

## 10. Disclosure of personal interests

10.1 Subject to paragraphs 10.2 to 10.5, where you have a personal interest in any business of your Internal Drainage Board and you attend a meeting of your Internal Drainage Board at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

10.2 Where you have a personal interest in any business of your Internal Drainage Board which relates to or is likely to affect a person described in paragraph 9.6(a)i or 9.6(a)ii(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

10.3 Where you have a personal interest in any business of the Internal Drainage Board of the type mentioned in paragraph 9.6(a)viii, you 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.

10.4 Paragraph 10.1 only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

10.5 Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your Internal Drainage Board's register of members' interests, you must indicate to the meeting that you have a personal interest but need not disclose the sensitive information to the meeting.

## 11. Prejudicial interest generally

11.1 Subject to paragraph 11.2, where you have a personal interest in any business of your Internal Drainage Board you 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 your judgement of the public interest.

11.2 You do not have a prejudicial interest in any business of the Internal Drainage Board where that business:

- does not affect your financial position or the financial position of a person or body described in paragraph 9;
- does not relate to the determining of any approval, consent, licence, permission, or registration in relation to you or any person or body described in paragraph 4; or
- relates to the functions of your Internal Drainage Board in respect of:
  - an allowance, payment or indemnity given to members.



- any ceremonial honour given to members; and
- setting drainage rates or a special levy under the Land Drainage Act 1991.

## **12. Effect of prejudicial interests on participation of debate**

12.1 Prejudicial interest shall be treated as set out in the Board's Standing Orders, Order of debate:

*'Members must declare where they have an interest in a matter to be discussed, the Chairman then deciding what if any part the member can take in any ensuing discussion and whether the member can vote'*

## Part 3

### Registration of Members' Interests

#### 13. Registration of members' interests

13.1 Subject to paragraph 14, you must, within 28 days of:

- this Code being adopted by or applied to your Internal Drainage Board; or
- your election or appointment to office (where that is later),

register in your Internal Drainage Board's register of members' interests details of your personal interests where they fall within a category mentioned in paragraph 9.6, by providing written notification to your Internal Drainage Board Clerk of Works.

13.2 Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph 13.1, register details of that new personal interest or change by providing written notification to your Internal Drainage Board's Clerk of Works.

#### 14. Sensitive information

1.1 Where you consider that the information relating to any of your personal interests is sensitive information, and your Internal Drainage Board's Clerk of Works agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 14.

1.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 14.1 is no longer sensitive information, notify your Internal Drainage Board's Clerk of Works. asking that the information be included in your Internal Drainage Board's register of members' interests.

1.3 In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.