

SOUTH HOLLAND INTERNAL DRAINAGE BOARD

MEMBERS CODE OF CONDUCT

Part 1

General provisions

1. Introduction and interpretation

- 1) This Code applies to **you** as a member of an Internal Drainage Board.
- 2) You should read this Code together with the general principles prescribed by the Board (see Annexure to this Code).
- 3) It is your responsibility to comply with the provisions of this Code.
- 4) In this Code “meeting” means any meeting of :
 - (a) the Internal Drainage Board;
 - (b) any of the Internal Drainage Board’s committees or sub-committees, joint committees or joint sub-committees;

“member” includes an elected member, a co-opted member and an appointed member.

2. Scope

- 1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you:
 - (a) 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
 - (b) 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) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- 3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 3(5) and 3(5a)) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- 4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph 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).
- 5) Where you act as a representative of your Internal Drainage Board:
 - (a) 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
 - (b) 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. General obligations

- 1) You must treat others with respect.
- 2) You must not:
 - (a) do anything which may cause your Internal Drainage Board to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006(1));
 - (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 yourself) has failed to comply with his or her Internal Drainage Board's code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your Internal Drainage Board.
- 3) You must not:
 - a) 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:
 - i) you have the consent of a person authorised to give it;
 - ii) you 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 Internal Drainage Board; or
 - b) prevent another person from gaining access to information to which that person is entitled by law.
- 4) You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or Internal Drainage Board into disrepute.
- 5) You:
 - a) 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
 - b) must, when using or authorising the use by others of the resources of your Internal Drainage Board:
 - i) act in accordance with your Internal Drainage Board's reasonable requirements; and
 - ii) ensure that such resources are not used improperly for political purposes (including party political purposes).
 - c) must appreciate that, having signed this declaration prescribed by the Board, you are under a duty to act in the interests of the Board as a whole and not as representatives or delegates of the body whom you are appointed. You must not use your position as a Board Member except for the benefit of the Board.

- d) hereby confirm that, having signed the declaration prescribed by the Board, you have been advised that the duties and responsibilities of Members are analogous to those of directors of companies, who owe a fiduciary duty to the company and must exercise independent judgement.
- e) shall resign as a Member of the Board forthwith, if a bare majority of the Board consider that you have not acted within the spirit of this Code of Conduct for Members.

Part 2

Interests

4. Personal interests

- 1) You have a personal interest in any business of your Internal Drainage Board where either:
 - (a) it relates to or is likely to affect;
 - (i) 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;
 - (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 you are a member or in a position of general control or management;
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) 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;
 - (vi) 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);
 - (vii) 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);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in your Internal Drainage Board's area in which you have a beneficial interest;
 - (x) 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 specified in paragraph (vi) is, the tenant;
 - (xi) 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

- (b) 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:
 - (i) other council tax payers, ratepayers or inhabitants of the electoral division affected by the decision; or
- 2) In sub-paragraph 4 (1b), a relevant person is—
 - (a) a member of your family or any person with whom you 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 4(1a)(i) or (ii) above.

5. Disclosure of personal interests

- 1) Subject to sub-paragraphs (2) to (5) above, 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.
- 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 4(1a)(i) or 4(1a)(ii)(aa)), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- 3) Where you have a personal interest in any business of the Internal Drainage Board of the type mentioned in paragraph 4(1a)(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.
- 4) Sub-paragraph 1) above only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- 5) Where you have a personal interest but, by virtue of paragraph 9, 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.

6. Prejudicial interest generally

- 1) Subject to sub-paragraph 2) below, 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.
- 2) You do not have a prejudicial interest in any business of the Internal Drainage Board where that business:
 - (a) does not affect your financial position or the financial position of a person or body described in paragraph 4;
 - (b) 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
 - (c) relates to the functions of your Internal Drainage Board in respect of—
 - i) an allowance, payment or indemnity given to members;
 - ii) any ceremonial honour given to members; and
 - iii) setting drainage rates or a special levy under the Land Drainage Act 1991.

7. Effect of prejudicial interests on participation of debate

- 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

8. Registration of members' interests

- 1) Subject to paragraph 9, you must, within 28 days of:
 - (a) this Code being adopted by or applied to your Internal Drainage Board; or
 - (b) 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 4(1)(a)), by providing written notification to your Internal Drainage Board's Chief Executive.
- 2) Subject to paragraph 9, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph 1) above, register details of that new personal interest or change by providing written notification to your Internal Drainage Board's Chief Executive.

9. Sensitive information

- 1) Where you consider that the information relating to any of your personal interests is sensitive information, and your Internal Drainage Board's Chief Executive agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 9.
- 2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 1) above, is no longer sensitive information, notify your Internal Drainage Board's Chief Executive asking that the information be included in your Internal Drainage Board'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 you or a person who lives with you may be subjected to violence or intimidation.

Annexure - The Ten General Principles

The general principles governing your conduct are set out below:

1. Selflessness

Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

- 2. Honesty and Integrity**
Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
- 3. Objectivity**
Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
- 4. Accountability**
Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.
- 5. Openness**
Members should be as open as possible about their actions and those of their Internal Drainage Board, and should be prepared to give reasons for those actions.
- 6. Personal Judgement**
Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.
- 7. Respect for Others**
Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the Internal Drainage Board's statutory officers, and its other employees.
- 8. Duty to Uphold the Law**
Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.
- 9. Stewardship**
Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.
- 10. Leadership**
Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.