

## **CORPORATE GOVERNANCE AND AUDIT COMMITTEE EX-OFFICIO MEMBER - CODE OF CONDUCT**

In the role of a Corporate Governance and Audit Committee (CGAC) ex-officio member you will be supporting oversight of Kirklees Council's finances and governance and will be acting in an official capacity on behalf of the local authority.

When acting in an ex-officio member capacity, you must be committed to behaving in a manner that is consistent with the Nolan principles to achieve best outcome for our residents and maintain public confidence in the actions of the committee, namely:

<b>SELFLESSNESS:</b>
Holders of public office should act solely in terms of the public interest
<b>INTEGRITY:</b>
Holders of public office must avoid placing themselves under any obligation to outside individuals or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.
<b>OBJECTIVITY:</b>
Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
<b>ACCOUNTABILITY:</b>
Holders of public office are accountable for their decisions and actions to the public and must submit themselves to the scrutiny necessary to ensure this.
<b>OPENNESS:</b>
Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
<b>HONESTY:</b>
Holders of public office should be truthful.
<b>LEADERSHIP:</b>
Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs

You are therefore being asked to observe and agree to the following code of conduct:

**1. YOU MUST TREAT OTHERS WITH RESPECT**

The role of the CGAC is to robustly challenge. However, in so doing you should not be unreasonable, excessive, personally attack or criticise officers, councillors, council partners or members of the public. Respect means politeness and courtesy in your behaviour and in return you have the right to expect respectful behaviour from others.

**2. YOU MUST NOT BULLY ANY PERSON**

Bullying may be characterised as offensive, intimidating, malicious, insulting, or humiliating behaviour. Bullying behaviour attempts to undermine an individual and can be detrimental to their confidence and capability. It is therefore imperative that you abstain from all such behaviour.

**3. YOU MUST NOT DO ANYTHING WHICH MAY BREACH ANY EQUALITY LAWS**

Under equality laws, the authority may be liable for any discriminatory acts which you commit. This behaviour can include harassment, victimisation, direct discrimination, and indirect discrimination on the grounds of sex, race, disability, religion or belief, sexual orientation, or age.

**4. YOU MUST NOT DISCLOSE CONFIDENTIAL INFORMATION**

Some information presented to Corporate Governance & Audit Committee is of a confidential nature. In addition, there may be occasions when there will be an '*informal discussion item*' scheduled for debate. These informal discussion items are confidential and will be discussed in private. You must not disclose any formal private information, any matters discussed by the committee formally in private, or the contents of any informal discussion (*If in doubt speak to the Chair of CGAC, or a member of the Governance Team*).

**5. YOU MUST NOT BRING THE AUTHORITY INTO DISREPUTE**

Dishonest and deceitful behaviour as well as conduct in your private life which results in a criminal conviction may bring the authority into disrepute. You should act and be seen to act, with honesty, openness, and integrity. When communicating in your private capacity through channels such as social media platforms it is important that you do not do or say anything that might mislead members of the public into believing that you are speaking on behalf of the Council or that your views represent an official Council position when it is your own personal or political view.

**6. YOU MUST NOT USE, OR ATTEMPT TO USE, YOUR POSITION IMPROPERLY**

As an ex-officio member, you should not use or attempt to use your position or knowledge gained through your position for your or anyone else's advantage or disadvantage. You are expected to declare any conflict of interests in any matter discussed, and to leave the meeting (or remove yourself from debate but remain present if agreed by the chair) when any such matter is discussed. (see 8 also)

**7. YOU MUST NOT COMPROMISE OR ATTEMPT TO COMPROMISE, THE IMPARTIALITY OF ANYONE WHO WORKS FOR, OR ON BEHALF OF THE AUTHORITY.**

The role of CGAC is to robustly challenge and question officers of the council, its professional advisers, and on occasion executive members, other leading councillors, and those representing council partners in order to understand, for example, their reason for proposing a particular course of actions. However, you must not approach or pressure anyone who works for, or on behalf of the authority, to carry out their duties in a biased or partisan way.

**8. DECLARING AN INTEREST**

At the start of each meeting all Committee members will be asked to declare if there are any items on the agenda in which they might have a personal interest which may prevent them from taking part in the discussions. The interest could be financial or some other reason. This is so that the public, council staff and councillors know which of your interests might give rise to a conflict of interest. (More detailed information on interests can be obtained from a Governance Officer).

**9. BE NON PARTY POLITICAL (IN MEETINGS)**

Although councillors who are members of CGAC are from different political parties, for the purposes of CGAC they are required to leave party politics aside. It is imperative that as an ex-officio member you ensure that while supporting the work of CGAC you also act in a politically neutral manner.

You can resign at any time. There will be a six-month probationary period in at which point it may be concluded that the role is being fulfilled successfully. A review will be taken at the one year, two year and the engagement will end on the completion of 3 municipal years in office. If you are appointed mid-way through a year, your appointment will include up to 3 further municipal years. The six-month probationary review will be undertaken by the Chair of the Committee and the Council Monitoring Officer, who will use the role description and compliance with this code as the criteria for judgement.

Decisions on annual reappointment will similarly be taken by the Chair of the Committee and the Council Monitoring Officer, who will use the role description and compliance with this code as the criteria for judgement. They

will be required also to consider any observations made by voting members of the committee, prior to confirming the reappointment.

The conduct of the ex-officio member will be overseen by the CGAC, and any breach of the code will be reported to the Chair and voting members of the CGAC to take appropriate action.

Where a person has reason to believe that the conduct of the ex-officio member has fallen short of the standards set out above, encapsulated in the Nolan Principles, a complaint may be made in writing to:

[monitoring.officer@kirklees.gov.uk](mailto:monitoring.officer@kirklees.gov.uk)

The complaint should set out as follows;

- (i) the nature of the complaint
- (ii) details of how the ex-officio member was acting in an official CGAC capacity
- (iii) details of which Nolan Principle has been breached and why
- (iv) if relating to a conflict of interest, details of how the conflict has occurred and impact of that conflict

The Monitoring Officer will review the complaint and determine if the ex-officio member was acting in an official capacity and if the complaint was proven, whether a Nolan Principle would have been breached. If both these criteria are met, the complaint will be referred to the Chair and voting members of the CGAC to reach a decision on retaining the ex-officio member. The Monitoring Officer may also remove an ex-officio member if a breach of a Nolan Principle has been proven.

Within 14 days of any decision being made-as above- on continued tenure or termination, an appeal may be made directly to the Strategic Director, Corporate Services.

I .....agree to abide by the code of conduct

Signed.....

Date.....

**CONTACT**

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