

TENANT SERVICES MANAGEMENT BOARD

CODE OF CONDUCT

1. Introduction

- 1.1 Tenant Services Management Board (TSMB) members must always be aware of their responsibilities to represent all tenants of Taunton Deane Borough Council (TDBC), and to make decisions in an efficient, fair and responsible way.
- 1.2 It must therefore adopt a code to guide the conduct of board members. This Code of Conduct sets out the standards that the TSMB Members are required to achieve as part of their role as a TSMB Member.
- 1.3 On taking up their appointment it is an absolute requirement of the board that all board members sign a declaration that they agree to observe the terms of this Code.
- 1.4 The board must have proper regard to the requirements of statutory or regulatory guidance in the implementation of this Code.
- 1.5 Members must comply with the Terms of Reference and Code of Conduct at all times.

2. Standards of Conduct

2.1 Members are required to comply with the following principles:

- a) **Selflessness** – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
- b) **Honest 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.
- c) **Objectivity** – members should make decisions and recommendations on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
- d) **Accountability** – members should be accountable to the public for their actions and manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

e) **Openness** – members should be as open as possible about their actions and should be prepared to give reasons for those actions.

f) **Personal Judgment** – members may take account of the views of others, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

g) **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, socio-economic status or disability.

h) **Duty to uphold the law** – members should uphold the law and, on all occasions, act in accordance with the trust that the public has placed in them.

i) **Stewardship** – members should do whatever they are able to do to ensure that TDBC uses its resources prudently, and in accordance with the law.

j) **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.

3. Personal Conduct

3.1 All members shall be open and honest in their dealings and show respect for other members.

3.2 Members must avoid making any statements that could be seen as defamatory, insulting or overly personal, malicious or make any unsubstantiated allegations.

3.3 All members shall read any relevant papers in advance of the meeting, prepare for and attend meetings, training sessions and other events.

3.4 All members shall abide by the decisions taken at meetings. Decisions that are made by the board need to be supported by all members, even if it is not the individual's personal point of view.

3.5 All members shall provide their apologies to the Tenant Empowerment Manager for meetings in the event of non-attendance.

3.6 Members must not expect to receive more or less favourable treatment for themselves, their family, or relatives from staff because of their membership of the board and must use the normal procedures for reporting repairs, complaints etc.

3.7 Members will provide new members with the appropriate support and make them feel welcome at all times.

- 3.8 When dealing on behalf of the board with the landlord, (or with any other groups, agencies or individuals), the member of the board shall ensure that any views they put forward are those which have been agreed at properly convened meetings of the board. Members expressing personal opinions outside of board meetings must ensure that they do so strictly in a personal capacity and not in situations where they are representing the board.
- 3.9 Members must not use official board stationery to send out correspondence expressing personal viewpoints which have not been agreed on at board meetings.
- 3.10 Members shall ensure that at all times when they are representing the board their conduct (e.g. behaviour, language, etc) is reasonable, honest, and in accordance with the Terms of Reference, Code of Conduct and policy decisions of the board.
- 3.11 Members must not speak or write on behalf of the group without the prior agreement of the group. Any correspondence sent on behalf of the group should be made available to all members of the group.
- 3.12 Statements to the media or other organisations must have the prior approval of board members and the Tenant Empowerment Manager.
- 3.13 Members must remember that they are representing the views of the whole borough, not individuals or groups.
- 3.14 Members will not deal with neighbour or inter-personal disputes involving tenants. If a member is approached by a tenant and asked to take up their complaint or enquiry on their behalf, the member must refer them to the Council.
- 3.15 The Chairperson's position should be respected at all times.
- 3.16 No member of the TSMB should behave in a way likely to bring the reputation of the TSMB into disrepute.
- 3.17 In their capacity as members of the TSMB, members must not accept cash or personal gifts with a significant monetary value under any circumstances, nor must they solicit personal gifts under any circumstances. Similarly, members should never solicit or accept an offer of lavish hospitality, nor any hospitality which could be interpreted as a means of exerting an improper influence over the way in which they carry out their duties. The timing of hospitality in relation to sensitive matters should also be a crucial consideration in accepting or offering hospitality.

- 3.18 Gifts of negligible value e.g. pens, diaries, calendars etc may be accepted. Normally, visits to exhibitions, demonstrations, conferences, business meals, social functions by members in connection with their official duties will be at TDBC's expense to avoid jeopardising the integrity of subsequent purchasing decisions.
- 3.19 Members should not give hospitality that could be seen as lavish or as a way of exerting an improper influence over the decision of another person or organisation. Occasional and modest hospitality will be allowed but only with the prior approval of the Chairperson.
- 3.20 If a Member is in any doubt in respect of the receipt or giving of any gift or hospitality, advice should be sought from the Chairperson and/or Tenant Empowerment Manager.
- 3.21 All members are required to submit quarterly a list of all gifts and hospitality received. This information will be collated and held by the Tenant Empowerment Manager.
- 3.22 At the end of their term of office, members must return to TDBC all board property in their possession. They should continue to treat as confidential the information they learned during their time as members
- 3.23 Members must ensure that such resources are not used for other purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the TSMB.
- 3.24 Members must observe Equal Opportunities and Diversity.
- 3.25 Members must notify the Chairperson and Tenant Empowerment Manager immediately of any changes to their circumstances which they know, believe or have reason to believe may affect their being a board member.

4. Non-Attendance

- 4.1 Board members who fail to attend three consecutive meetings without reasonable excuse will be deemed to have resigned. The member will be contacted by the Tenant Empowerment Manager to enquire about their absences.

5. Conflicts of Interest

- 5.1 Members must disclose any interest, whether personal or on behalf of any group they represent, or financial or non financial, that they consider may affect or influence their approach to the matter under discussion. This disclosure must take place at the start of the meeting.

- 5.2 Members are advised that if they have any doubt, they should declare their interests. The consequence of declaring is that members should not participate in the discussion or vote on the matter and the interests will be minuted.
- 5.3 Members should consider whether participation in the discussion or determination of a matter would suggest a real danger of bias. This should be interpreted in the sense that members might unfairly regard with favour or disfavor the case of a party to the matter under consideration. In considering whether a real danger of bias exists in relation to a particular decision, members should assess whether they, a close family member, a person living in the same household, or a firm, business or organisation with which the member is connected are likely to be affected more than the generality of those affected by the decision in question.
- 5.4 Examples where members would be expected to declare a conflict of interest would include, but are not restricted to, the following circumstances:-
- where a member is employed by an external contractor competing for, or successful in winning, a contract;
- where a member is employed by another contractor working for TDBC and may have a specific or general financial interest in a topic under discussion.
- 5.5 The Chairperson may ask any member who declares an interest to withdraw from the meeting whilst the relevant matter is being discussed.
- (NB: The National Code of Local Government Conduct says of non-pecuniary (i.e. non financial) interests: 'Kinship, friendship, membership of an association, society or trade union, trusteeship and many other kinds of relationship can sometimes influence your judgement and give the impression that you might be acting for personal motive. A good test is to ask yourself whether others would think that the interest is of a kind to make this possible');
- 5.6 If a board member considers that another member of the board has such an interest, he or she has a duty to raise it in the board.

6. Confidentiality

- 6.1 Board Members must always respect the confidentiality of information they acquire in the course of their work concerning tenants, contractors, consultants and employees of the Council or confidential board business.
- 6.2 Any member revealing confidential information will be liable to expulsion from the board.

- 6.3 Any information or items shared with the board that is of a confidential nature must not be disclosed to anyone else apart from members of the board in order to allow the business of the meeting to take place.
- 6.4 Members can discuss issues with other tenants subject to any confidentiality issues.

7. Conduct during Meetings

- 7.1 Members will conduct themselves in a reasonable manner at meetings in accordance with the Code of Conduct. The use of sexist, racist or other discriminatory or abusive language, behaviour that intimidates people who are speaking or wish to speak and preventing people from expressing their views through interrupting or talking while others are contributing to the debate and discussion shall be considered detrimental to the interests of the board, and members responsible may be subject to a motion for suspension or expulsion.
- 7.2 Members will not raise individual problems or estate issues during discussion unless these illustrate a topic under discussion.
- 7.3 All speakers will address themselves through the Chairperson.
- 7.4 Members must follow the guidance of the Chair in the conduct of the meeting.
- 7.5 Only one person shall speak at a time.
- 7.6 All speakers shall be polite, non-confrontational and not raise their voices.
- 7.7 Members must remember to follow the agenda.
- 7.8 All speakers will keep to the subject under discussion.
- 7.9 Each person may speak only once on an issue until every other member has had the opportunity to speak, thereby accounting for all opinions. The Chairperson may then allow members to speak more than once.
- 7.10 The Chairperson, with the majority agreement of the members, shall have the right to request any member of the audience or visitor to leave the meeting in the event of that person's disruptive behaviour at the meeting.
- 7.11 Any member may ask for the minutes to be read back to clarify the record of the meeting on a particular point. If the record is disputed, the Chairperson may direct the record to be amended by agreement with the meeting.
- 7.12 Members should be particularly sensitive to the needs of those who may not be used to speaking in public or whose first language is not English.
- 7.13 It is the responsibility of each member to ensure that they are prepared for the meeting by reading all the relevant papers and bringing them to the meeting.

8. Breaches of the Code of Conduct

- 8.1 If a board member disregards this code, the Chairperson may provide a verbal warning of the breach.
- 8.2 If a board member persistently disregards this code, the Chairperson may ask the meeting to vote on whether the member concerned should be asked to leave the meeting.
- 8.3 A board member may only be asked to leave the meeting by a motion or resolution carried by two thirds of the voting members present for conduct detrimental to the interests of the board.
- 8.4 Should a member be asked to leave the meeting the Chairperson shall write to the member concerned within seven days confirming the reasons for their being asked to leave the meeting. The Chairperson and Tenant Empowerment Manager must arrange a date and time to hold a meeting (which must be held within fourteen days of the incident) for them to discuss the incident and make a decision on what action to take.
- 8.5 Members who consider that this code of conduct has been broken should raise it with the Chairperson either at the time or as soon as it is practicable for him / her to do so.
- 8.6 All members must follow the procedures to resolve any breach of Code of Conduct.

9. Disciplinary and Appeal Procedures

- 9.1 Any member of the board who has reason to believe that another member has acted against the Terms of Reference, Code of Conduct or policy decisions of the board may make a complaint to the Chairperson and/or Tenant Empowerment Manager who will ensure that the complaint is brought before a meeting of the board within twenty eight days of the complaint being made.
- 9.2 Within fourteen days of receiving a complaint the Chairperson and/or Tenant Empowerment Manager should inform, in writing, the member about whom a complaint has been made about the nature of the complaint and the date of the meeting at which it will be considered.
- 9.3 In considering a complaint, the board may ask the member who has complained, the member about whom a complaint has been made, any board member, or any other person who has relevant knowledge of the complaint to attend the board meeting to put their case and answer questions. The board may consider correspondence and any other relevant material pertaining to the complaint.

- 9.4 Any member making a complaint, and any member about whom a complaint has been made, shall have the right to attend the board meeting and shall be given a reasonable amount of time to put their case.
- 9.5 Anyone who has been asked to attend the meeting to give information and who is not a board member shall leave the meeting after putting forward information and answering any questions.
- 9.6 The member about whom a complaint has been made shall leave the meeting after putting forward his or her case and answering questions. The board member about whom a complaint has been made shall not take part in making the decision about whether or not the complaint is upheld.
- 9.7 Where the original complaint was made by a board member, that person shall leave the meeting after putting his or her case and answering questions, and shall not take part in making the decision about whether or not the complaint is upheld.
- 9.8 The board shall take a vote to decide, by a simple majority, whether or not the complaint is upheld.
- 9.9 The board shall decide on further action from the following options:-
- a) Written reprimand to the member concerned.
 - b) Member concerned to be suspended from membership of the board for period of time to be specified by the board; the suspension to take effect as soon as the member is informed in writing, and to run for not more than six months.
 - c) Member concerned to be suspended from holding a Chairperson or Vice-Chairperson position until the AGM; at which time he or she will be entitled to stand for reelection provided that he or she is nominated and seconded. The member must not carry out Chairperson or Vice-Chairperson duties whilst suspended.
 - d) Member concerned to be expelled from membership of the board. Membership to be terminated with effect from the day that the member concerned is informed in writing of the expulsion. A member who has been expelled from the board may apply for reelection to the board after a four year period has elapsed from the date of expulsion.
- 9.10 A member about whom a complaint has been made shall be informed in writing of the decision of the board, and the reasons for that decision, within seven days of the meeting that made the decision taking place.
- 9.11 If a board member is suspended or expelled through these disciplinary procedures, the board may appoint a replacement to hold the position until the AGM.

10. Political Affiliation

- 10.1 Individual members may be affiliated to/or be members of a political party but they may not represent a political party in their role as a member of the board.
- 10.2 Board Members must ensure that they demonstrate its non-political nature and they must keep their personal political activities totally separate from the board's work.

11. Expenses

- 11.1 Board Members will receive no fees or payment for being a board member or carrying out board business but will be reimbursed for all costs and out of pocket expenses reasonably incurred on board business. Examples of expenses include:
 - Car mileage
 - Car parking
 - Public transport
 - Meals: reimbursed if attending full-day meetings or training sessions.
 - Carers: reimbursed whilst attending meetings or training sessions.
- 11.2 Forms are available from the Tenant Empowerment Manager and can be submitted on a monthly basis or at the claimants' discretion.
- 11.3 Receipts must be submitted with the claim form.
- 11.4 Claim forms must be signed by the claimant and then handed to the Tenant Empowerment Manager who will counter-sign the form.
- 11.5 Once Taunton Deane Borough Council has checked the claim form, it is passed to the Finance Department for payment.
- 11.6 Payment is by cheque or BACS, sent to the member's home address.

DECLARATION FORM

AS A MEMBER OF THE TENANTS SERVICES MANAGEMENT BOARD, I HAVE READ, UNDERSTOOD AND WILL ABIDE BY THE CODE OF CONDUCT.

Signed.....Date.....

Name.....

Address.....

Telephone no.....

Mobile no.....

Email.....

Please complete both copies of this statement, keeping one copy for your records and returning the other copy to The Tenant Empowerment Manager of Taunton Deane Borough Council

The board Member must immediately inform the Chairperson of the (and confirm in writing within fourteen days) of any change in their interests or details.

Note: Failure to return or complete the declaration as required in the accompanying Code will be considered a breach