

## **APPENDIX 3**

# **DERBY CITY COUNCIL MEMBERS' CODE OF CONDUCT**

**Adopted 18 July 2012**



**Derby City Council**

## **The General Principles of Public Life**

You should behave in a way consistent with the following principles:

• Selflessness	You should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
• Honesty and Integrity	You should not place yourself in situations where your honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
• Objectivity	You should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
• Accountability	You should be accountable to the public for your actions and the manner in which you carry out your responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to your particular office.
• Openness	You should be as open as possible about your actions and those of your authority, and should be prepared to give reasons for those actions.
• Leadership	You should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

# THE MEMBERS' CODE OF CONDUCT

**Adopted 18 July 2012**

*Under The Localism Act 2011 the Council must promote and maintain high standards of conduct by its members and adopt a Code of Conduct.*

## Part 1 General provisions

### **Introduction and interpretation**

**1.—**(1) This Code applies to **you** as a member of Derby City Council.

(2) You should read this Code together with the general principles at page 2 (prescribed in Section 28 of the Localism Act).

(3) You must comply with the provisions of this Code.

(4) In this Code—

“interest” means a pecuniary or other interest required to be notified under this Code

“meeting” means any meeting of—

(a) the authority;

(b) the executive of the authority;

(b) any of the authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees;

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

“partner” means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners

“pecuniary interest” a disclosable pecuniary interest under [relevant Regulations] and this Code.

“Register of Interests” means the Council’s register of members’ interests maintained under section 29(1) of the Localism Act 2011

“Sensitive Interest” means an interest whose disclosure to the public could lead to you, or a person connected with you, being subjected to violence or intimidation.

## **Scope**

**2.—**(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you act in your official capacity as a member of your authority. That is when you:

- (a) conduct the business of your authority (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 authority.

(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), 5 and 6(a) 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 authority—

- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority’s code of conduct; or

- (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

## **General obligations**

**3.—**(1) You must treat others with respect.

(2) You must not—

- (a) do anything which may cause your authority to breach any equality laws
- (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 authority'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 authority.

**4.** You must not—

- 1) 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;
- (ii) 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
- 2) prevent another person from gaining access to information to which that person is entitled by law.

**5.** You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

**6.** You—

- (1) 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
- (2) must, when using or authorising the use by others of the resources of your authority—
  - (i) act in accordance with your authority's reasonable requirements;
  - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

must have regard to any applicable Code of Recommended Practice on Local Authority Publicity made under the Local Government Act 1986<sup>1</sup>.

**7.—**(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

- (a) your authority's chief finance officer; or
- (b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

<sup>1</sup> A copy of the Code of Recommended Practice on Local Authority Publicity

can be found at

<http://www.communities.gov.uk/publications/localgovernment/publicitycode2011>

## **Part 2**

### **Pecuniary Interests**

You must disclose the pecuniary interests listed below. There can be a criminal penalty if you do not.

#### **8. Notification of Pecuniary Interests**

A pecuniary interest is an interest of yourself or your Partner within the following descriptions:

<b>Subject</b>	<b>Prescribed description</b>
Employment , office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a)
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority – (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully



discharged.

Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge) – (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where- (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either- (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

## **9. Non-participation where you have a pecuniary interest**

- (1) Where you have a pecuniary interest in any business of your authority you must disclose the interest and withdraw from the room or chamber where a meeting considering the business is being held unless you have obtained a dispensation from the authority's Monitoring Officer or Standards Committee;
- (2) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.
- (3) Where an executive member may discharge a function alone and becomes aware of a pecuniary interest in a matter being dealt with or to be dealt with by them, the executive member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

## **10. Dispensations**

- (1) The Council may grant you a dispensation, but only in specified circumstances, to enable you to participate and vote on a matter in which you have a pecuniary interest.
- (2) Applications for dispensation must be made in writing to the Monitoring Officer before the meeting at which the matter is to be discussed.

## **11. Offences**

- (1) It is a criminal offence to
  - (a) Fail to notify the Monitoring Officer of any pecuniary interest within 28 days of election
  - (b) Fail to disclose a pecuniary interest at a meeting if it is not on the register
  - (c) Fail to notify the Monitoring Officer within 28 days of a pecuniary interest that is not on the register that you have disclosed to a meeting

- (d) Participate in any discussion or vote on a matter in which you have a pecuniary interest
  - (e) As an executive member discharging a function acting alone, and having a pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
  - (f) Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a pecuniary interest or in disclosing such interest to a meeting
- (2) The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale<sup>2</sup> and disqualification from being a councillor for up to 5 years.

## **12. Notification of Gifts and Hospitality**

- (1) You must, within 28 days of receipt notify the Monitoring Officer of any gifts and hospitality you have received with an estimated value of offers over £100
- (2) You must disclose the receipt of that gift or hospitality and its nature and extent where it is relevant to the matter under consideration unless it was registered more than 3 years before

## **14. Interests arising in relation to overview and scrutiny committees**

- (1) In any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
  - (a) that business relates to a decision made (whether implemented or not) or action taken by the executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
  - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken,

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<sup>2</sup> Currently £5000.

(2) You may only attend a meeting of the overview and scrutiny committee for the purpose of answering questions or giving evidence relating to the business, and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

### **Part 3**

## **Registration of Members' Interests**

### **14. Registering your interests**

(1) You must notify the Monitoring Officer of any interest you have within 28 days of:

- (a) becoming a member
- (b) disclosing an interest in any matter being considered at a meeting (if that interest is not already on the Register of Interests)
- (c) (if you are an executive member) becoming aware of an interest in any matter to be dealt with, or being dealt with

(2) Any interests notified to the Monitoring Officer will be included in the register of interests.

(3) A copy of the register will be available for public inspection and will be published on the authority's website.

### **Sensitive interests**

**15.—**(1) Where you consider that you have a sensitive interest, and the Monitoring Officer agrees:

- (a) if the interest is entered on the Register of Interests, any copy of the Register of Interests made available for inspection and any published version of the register will exclude details of the interest,

but may state that you have an interest, the details of which are withheld

- (b) if the interest is not entered on the Register of Interests, at any relevant meeting you must disclose the fact that you have a disclosable interest, but not the nature of the interest

(2) You should, within 28 days of becoming aware of any change of circumstances which means that your interest is no longer sensitive, notify the Monitoring Officer.