

Members' Code of Conduct Induction Training

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Derby City Council



What we will cover..

- Code of Conduct – behaviours and expectations
- Disclosable Pecuniary Interests
 - what they are?
 - how do I register them?
 - declaration
- Gifts and hospitality
- Standards Committee
- Complaints



Code of Conduct - behaviours

- General Principles of Public Life - Nolan Principles - namely:
 - selflessness
 - honesty & integrity
 - objectivity
 - accountability
 - openness
 - leadership



Code of Conduct - expectations

- Not to breach equality laws
- Treat others with respect
- Not to compromise impartiality of employees
- Not to bring office into disrepute
- Not to use position to confer improper advantage or disadvantage
- Not to bully any person
- Not to intimidate
- Not to disclose confidential information
- Not to misuse the council's resources



Disclosable Pecuniary Interests (DPI's)

- Pecuniary interest defined in detail within the Code of Conduct
 - Affects both you and your Partner
 - No statutory requirement to declare a DPI at a meeting;
 - Failure to register or declare a DPI is a criminal offence
 - Register of Interests is published on the council's website



What is a DPI?

- Employment, office, trade, profession or vocation carried out for profit or gain
- Financial sponsorship including contributions towards election expenses- including trade union sponsorship
- Ongoing 'contracts' between the council and the member or a company or firm in which you or your partner has 'beneficial interest'
- Any land the member has a legal interest in within the authority's area
- Any licences the member holds to occupy land in the council's area for a month or longer
- Any 'corporate tenancies' - council is landlord and member is tenant - includes company or firm in which you have a 'beneficial interest'
- Where a firm or company has a place of business or land in the council's area and the member is a partner or director in the business **OR** has shares etc. worth more than £25,000 or 100th of total share capital



Registering your DPI

- Existing DPI's must be placed in the Register of Interests within 28 days of the member being elected or re-elected
- No ongoing requirement to declare new interests on your DPI form
- **BUT** if a new interest arises at a meeting, it must be declared at that point and registered on the form within 28 days



Register of Interests

- Presumption in favour of openness
- Register of completed DPI forms is kept by the Monitoring Officer
- All DPI forms are available for public inspection and appear on the council's website - with signatures redacted - unless it is deemed sensitive



Sensitive Information

- Monitoring Officer decides if interest is sensitive
- To be sensitive, interest must have potential to expose the member to 'violence or intimidation'
- Information will not be placed in the public domain



What if a DPI arises at a meeting?

- No legal requirement to declare and leave the room provided the DPI is registered
- However, it has been locally agreed that members will declare their interest and leave the room
- Participating in the discussion and voting when you have a DPI is a criminal offence unless a dispensation has been granted by the Monitoring Officer



What is a dispensation?

- Allows a member to participate and vote even though a DPI exists
- Not apply to planning and licensing meetings
- Granted by the Monitoring Officer based on 5 grounds:
 - quoracy of the meeting
 - upset the political balance of the meeting
 - no member of the Cabinet able to participate
 - in the interest of persons living in the area
 - otherwise appropriate



Gifts and hospitality

- Not classed as a DPI
- Member must declare and register anything over £100 with the Monitoring Officer
- Failure to declare or register is not a criminal offence
- Mayor is not included when acting in his/her official capacity



Standards Committee

- Upholds highest standards of ethical governance
- Comprises of Members, Independent Persons and Co-opted Persons
- Manages complaints made against Members



Complaints about Members

- Formal complaints are directly referred to the Monitoring Officer for consideration and investigation where necessary
- Process is governed by a procedure which sits alongside the Code of Conduct
- Complaints relate to alleged breaches of the Code of Conduct
- All complaints are reported to the Standards Committee
- Complex complaints are determined by the Standards Committee
- Where a complaint is upheld, proportionate sanctions are given and the decision is reported on the council's website



Key Officers

- Janie Berry - Monitoring Officer
- Olu Idowu - Head of Legal Services and Deputy Monitoring Officer
- Philip O'Brien - Head of Democratic Services
- David Walsh - Constitutional Services and Members Services Manager
- Mahroof Hussain - Overview & Scrutiny and Civic Services Manager

