

## North East Derbyshire District Council

### Councillor Code of Conduct

#### ADOPTED BY CLAY CROSS PARISH COUNCIL (MINUTE NO. 3070/21 - 25 MAY 2021)

This section contains the Code of Conduct which must be followed by all *Councillors* and any co-opted members of the Council.

As a member or co-opted member of North East Derbyshire District Council I have a statutory responsibility to have regard to the following principles when representing the community and working constructively with staff and partner organisations to secure better social, economic and environmental outcomes for all.

#### **The Seven Statutory Principles**

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

**SELFLESSNESS:** Holders of public office should act solely in terms of the public interest.

**INTEGRITY:** Holders of public office must avoid placing themselves under any obligation to people 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 other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

**OBJECTIVITY:** Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

**ACCOUNTABILITY:** Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

**OPENNESS:** 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.

**HONESTY:** Holders of public office should be truthful.

**LEADERSHIP:** 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.

## **General Conduct**

As a Member of North East Derbyshire District Council, I will ensure my conduct is in accordance with the statutory principles of this Code of Conduct by:

- Dealing with people fairly, appropriately and impartially.
- Behaving in accordance with the Council's legal obligations, alongside any requirements contained within North East Derbyshire District Council's policies, protocols and procedures, including on the use of the Authority's resources.
- Acting in accordance with the Council's ICT policies, ensuring that ICT resources are not used improperly and having regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of North East Derbyshire District or the good governance of the Authority in a proper manner.
- Complying with the requirements of the Council's Protocol on Gifts and Hospitality by registering with the Monitoring Officer any item of hospitality that I receive.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member or co-opted member of my Authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making the Council's decision-making processes as open and transparent as possible. I will do this by allowing residents to access information they are entitled to by law, helping them to understand the reasoning behind the decisions taken and enabling them to be informed when holding me and other members to account.
- Restricting access to information when the wider public interest or the law requires it.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.

- Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community, with other organisations, as well as within this Authority.

**Disclosable Pecuniary Interests**

This note explains the requirements of the Localism Act 2011 (Sections 29-34) and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 in relation to disclosable pecuniary interests. These provisions are enforced by criminal sanction.

*1 Notification of disclosable pecuniary interests*

Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

A 'disclosable pecuniary interest' is an interest of yourself or your partner (which 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) within the following descriptions:

('M' means you and 'relevant person' means you and your partner, as above)

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>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.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>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—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>

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, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on interests are subject to the following definitions;

*“the Act” means the Localism Act 2011;*

*“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;*

*“director” includes a member of the committee of management of an industrial and provident society;*

*“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;*

*“M” means a member of a relevant authority;*

*“member” includes a co-opted member;*

*“relevant authority” means the authority of which M is a member;*

*“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;*

*“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;*

*“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.*

## 2 *Register of interests*

Any interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the authority’s website.

## 3 *Sensitive interests*

Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2).

## 4 *Non participation in case of disclosable pecuniary interest*

(a) If you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting,

- You may not participate in any discussion of the matter at the meeting.

- You may not participate in any vote taken on the matter at the meeting.
- If the interest is not registered, you must disclose the interest to the meeting.
- 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.

Note: In addition, Procedure Rule 18A.1 requires you to leave the room where the meeting is held while any discussion or voting takes place.

- (b) Where an executive member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

## 5 *Dispensations*

The authority may grant you a dispensation to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

Requests for dispensation must be made, in writing to the Monitoring Officer, on one of the following grounds:

- That so many members of the decision-making body have disclosable pecuniary interests in a matter that it would impede the transaction of the business.
- That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the likely outcome of any vote on the matter.
- That the Authority considers that the dispensation is in the interests of persons living in the Authority's area;
- That, without a dispensation, no member of the Cabinet would be able to participate in the matter; or
- That the Authority considers that it is otherwise appropriate to grant a dispensation.

6 *Offences*

It is a criminal offence to:

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election.
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register.
- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting.
- Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest.
- As an executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such an interest to a meeting.

The criminal penalties available to a court are to impose a fine not exceeding level five on the standard scale and disqualification from being a Councillor for up to five years.

**Other Interests**

7 *Notification of interests*

- (a) You must, within 28 days of—
  - (i) this Code being adopted by or applied to your authority; or
  - (ii) your election or appointment to office (where that is later),  
notify the Monitoring Officer of your disclosable pecuniary interests that are notifiable under the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012, for inclusion in the register of interests, and notify the Monitoring Officer in writing of the details of your other interests, where they fall within the following descriptions, for inclusion in the register of interests.
  
- (b) You have an other interest in any business of your authority where —
  - (i) it relates to or is likely to affect—
    - (aa) 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 authority;
    - (bb) any body—
      - (1) exercising functions of a public nature;
      - (2) directed to charitable purposes; or
      - (3) 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;
  
- (c) You also have an other interest in any business of your authority:
  - (i) where 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 other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision, or
  - (ii) it relates to or is likely to affect any of the interests you have registered as a disclosable pecuniary interest.

- (d) In sub-paragraph 7(c)(i), a *relevant person* is—
- (i) a member of your family or any person with whom you have a close association; or
  - (ii) 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;
  - (iii) 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
  - (iv) any body of a type described in paragraphs 7(b)(i)(aa) or (bb).
- (e) You must, within 28 days of becoming aware of any new interest or change to any interest registered under paragraph 7(a), or as a disclosable pecuniary interest notify the Monitoring Officer of the details of that new interest or change.

## 8 *Disclosure of interests*

- (a) Subject to sub-paragraphs 7(b) and (c), where you have an other interest in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the other interest, and you attend a meeting of your authority 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, where it is not on your register of interests.
- (b) Where you have an other interest but, by virtue of paragraph 10, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have an other interest, but need not disclose the sensitive information to the meeting.

## 9 *Register of interests*

Any interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the authority's website.

10 *Sensitive interests*

Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are 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.

11 *Non participation in case of significant other interest*

(a) Where you have an other interest in any business of your authority you also have a significant other 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 and where that business —

- (i) affects your financial position or the financial position of a person or body described in paragraphs 7(d); or
- (ii) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 7(d).

(b) Subject to paragraph 11(c) and (d), where you have a significant other interest in any business of your authority—

- (i) You may not participate in any discussion of the matter at the meeting.
  - (ii) You may not participate in any vote taken on the matter at the meeting.
- If the interest is not registered, you must disclose the interest to the meeting.
  - 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.

Note: In addition Procedure Rule 18 requires you to leave the room where the meeting is held while any discussion or voting takes place.

(c) Where you have a significant other interest in any business of your authority, you may attend a meeting but only for the purpose of making

representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

- (d) Where your significant other interest arises as the result of your nomination to a body by the Council and following declaration of the interest you may stay to present the report and answer questions provided that:-
- You have stated your intention to remain in the Chamber at the time of making your declaration.
  - Your contribution is limited to presenting the report and answering any questions.
  - You do not become involved in the debate.
  - You do not attempt to move a motion
  - You leave the Chamber before a vote is taken.
- (e) Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a significant other interest that relates to the functions of your authority in respect of—
- (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
  - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
  - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
  - (iv) an allowance, payment or indemnity given to members;
  - (v) any ceremonial honour given to members; and

- (vi) setting Council Tax or a precept under the Local Government Finance Act 1992.

12 *Interests arising in relation to scrutiny committees*

In any business before a 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,

You may only attend a meeting of the 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.