

# Revision to the Councillors' Code of Conduct

## CODES AND PROTOCOLS

## APPENDIX B

### COUNCILLOR CODE OF CONDUCT

You are a Councillor or co-opted member of Rushcliffe Borough Council and as such are committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

**SELFLESSNESS:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

**INTEGRITY:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

**OBJECTIVITY:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**ACCOUNTABILITY:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**OPENNESS:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**HONESTY:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**LEADERSHIP:** Holders of public office should promote and support these principles by leadership and example.

Accordingly, when acting in your capacity as a Councillor or co-opted member:

- (a) you must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate
- (b) you must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties
- (c) when carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit

## Revision to the Councillors' Code of Conduct

- (d) you are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office
- (e) you must be as open as possible about your decisions and actions and the decisions and actions of the Council and should be prepared to give reasons for those decisions and actions
- (f) you must declare any private interests, both pecuniary and non-pecuniary, including your membership of any trade union, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the box below
- (g) you must, when using or authorising the use by others of the resources of the Council, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986
- (h) you must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and by example, by respecting others and not bullying, intimidating or harassing and person, or behaving in an improper or offensive manner (including the use of offensive language or making improper personal remarks to or about individuals), by respecting the confidentiality of information you receive, and by not conducting yourself in a manner which is likely to bring the authority into disrepute
- (i) you must have regard to any relevant advice provided to you by the Council's Monitoring Officer, Section 151 Officer and Chief Executive where they are acting pursuant to his or her statutory duties
- (j) you must not 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
  - (iii) 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:
    1. reasonable, in the public interest and
    2. made in good faith and in compliance with the reasonable requirements of the Council.
- (k) You must promote equality by not discriminating against any person, and by treating people with respect, regardless of their race, age, religion or belief,

## Revision to the Councillors' Code of Conduct

gender (including gender reassignment), marital (or civil partnership) status, pregnancy or maternity, sexual orientation or disability

- (l) You must abide by such policies and protocols as are included within the Council's constitution where they are relevant to the work that you carry out as a Councillor or co-opted member
- (m) You must abide by pre-election rules during purdah periods

## Revision to the Councillors' Code of Conduct

### **Registering and declaring pecuniary and non-pecuniary interests**

You must, within 28 days of taking office as a Councillor or co-opted member, notify the Council's Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State (see attached schedule), where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a Councillor or co-opted member, notify the Council's Monitoring Officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.

If an interest has not been entered onto the Council's register, then the Councillor must disclose the interest to the chair of any meeting of the Council at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.<sup>1</sup>

Following any disclosure of an interest not on the Council's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions the Council places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by the Council.

If you are in any doubt regarding your obligations you should contact the Councils Monitoring Officer.

**FAILURE TO MAKE THESE DISCLOSURES IS A CRIMINAL OFFENCE**

# Revision to the Councillors' Code of Conduct

<sup>1</sup> A 'sensitive interest' is described in the Localism Act 2011 as a Councillor or co-opted member of an authority having an interest, and the nature of the interest being such that the Councillor or co-opted member, and the Authority's Monitoring Officer, consider that disclosure of the details of the interest could lead to the Councillor or co-opted member, or a person connected with the Councillor or co-opted member, being subject to violence or intimidation.

## SCHEDULE

| <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 of the Councillor</p> <p>This includes any payment of 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 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  |
| Licenses  | Any license (alone or jointly with others) to occupy land in the area of the relevant Authority for a month or longer   |
| Corporate tenancies                               | <p>Any tenancy where (to the Councillor's knowledge) –</p> <p>(a) the landlord is relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has beneficial interest.</p>   |
| Securities  | <p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to the Councillor's knowledge) has a place of business or land in the area of the relevant Authority; and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the</p> |

## **Revision to the Councillors' Code of Conduct**

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.

## **Revision to the Councillors' Code of Conduct**

### **GUIDANCE FOR COUNCILLORS AND CO-OPTED MEMBERS IN RESPECT OF DECLARING INTERESTS**

If business to be transacted or discussed at a meeting either relates to, or is likely to affect any of your interests, especially any of your Disclosable Pecuniary Interests, then you should declare an interest.

Remember that Disclosable Pecuniary Interests include your interests, and those of your spouse/civil partner OR anyone you live with as if they were you spouse/civil partner.

An interest is a Non-Pecuniary Interest when:

- The interest is not a pecuniary interest (as defined in the schedule above) but;
- The interest is so significant that a member of the general public, who knew about your interest would reasonably consider that your interest would materially affect your ability to act in the public interest in connection with the matter being discussed

For example, where a lifelong supporter of Nottinghamshire County Cricket Club, is on a committee discussing a matter that might affect the club, a member of the public might reasonably conclude that your ability to act impartially in this matter might be impaired.

Where you have a Disclosable Pecuniary interest in an item being discussed at a meeting, you should not take part in any discussion or vote relating to that item unless you have previously been granted dispensation to do so. You should leave the meeting room prior to the relevant item on the agenda being discussed and not return until requested by the Chair of the meeting.

Where you have a Non-Pecuniary Interest, you should declare your interest and explain your interest in enough detail for a member of the public to understand it. You may then participate and vote in the normal way.

Please remember to keep your register of interests up to date.