

Appendix 11 - Code of Conduct for Members

Introduction

The public is entitled to expect the highest standards of conduct from all Members of the County Council.

The Code sets out the standards of service that are expected from Members of the Council (including Co-opted Members). In particular, Members should act in an open and transparent manner and should not do anything which would prejudice the reputation of the Council.

It is important for Members to understand their position as regards standards of conduct, and if in any doubt they should seek guidance. This is because, in some circumstances, a breach of the Code could be a criminal offence and because any person could make a complaint to the Council if they believe a Member has breached the Code.

This Code is adopted in accordance with the Localism Act 2011.

1. Application and Scope

- (1) This Code of Conduct applies to you whenever you are acting in your capacity as a Member of Derbyshire County Council, including:-
 - (i) at formal meetings of the Council, its Committees and Sub-Committees, its Cabinet and Cabinet Committees
 - (ii) when acting as a representative of the Council
 - (iii) in taking any decision as a Cabinet Member or a Councillor
 - (iv) in discharging your functions as a Councillor
 - (v) at briefing meetings with officers and
 - (vi) at site visits
- (2) This Code does not have effect in relation to your conduct other than where it is in your official capacity.

2. Principles

In your capacity as a Member, you must act in accordance with the Council's Code of Conduct which is consistent with the following principles specified in the Localism Act 2011:-

- (1) **SELFLESSNESS:** Holders of public office should act solely in the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or friends.
- (2) **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.
- (3) **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.
- (4) **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.
- (5) **OPENNESS:** Holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- (6) **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 interests.
- (7) **LEADERSHIP:** Holders of public office should promote and support these principles by leadership and example

3. Obligations

As a Member of Derbyshire County Council, your conduct should, in particular, address the statutory principles in the Code of Conduct by:-

- (1) Championing the needs of residents, including the whole community and, in a special way, your constituents, including those who did not vote for you, and putting their interests first.
- (2) Dealing with representations or enquiries from residents, members of the community and visitors fairly, appropriately and impartially.
- (3) Not allowing other pressures, including the financial interests of yourself or others connected to you, to deter you from pursuing constituents' case work, the interests of Derbyshire County Council

or the good governance of Derbyshire County Council in a proper manner.

- (4) Exercising independent judgement and not compromising your position by placing yourself under obligations to outside individuals or organisations who might seek to influence the way you perform your duties as a Member of Derbyshire County Council.
- (5) 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.
- (6) Being accountable for your decisions and co-operating when scrutinised internally and externally, including by local residents.
- (7) Contributing to making Derbyshire County Council's decision making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding you and other Members to account, but restricting access to information when the wider public interest or the law requires it.
- (8) Respecting the confidentiality of information which you receive as a member by:
 - (i) not disclosing confidential information to third parties unless required by law to do so or where there is a clear and overriding public interest in doing so; and
 - (ii) not obstructing third parties' legal rights of access to information
- (9) Behaving in accordance with all of Derbyshire County Council's legal obligations, with particular regard to:
 - (i) the Data Protection Act 1998
 - (ii) the Freedom of Information Act 2000
 - (iii) the Bribery Act 2010
 - (iv) the Equality Act 2010
- (10) Having regard to the principles of Derbyshire County Council's policies, protocols and procedures, including those relating to the use of Derbyshire County Council's resources (which must not be used improperly for political purposes including party political purposes).
- (11) Valuing other Members and officers and engaging with them in an appropriate manner and in a manner which underpins the mutual

respect between individuals that is essential to good local government and respecting and not bullying any person.

- (12) Always treating people with respect, including the organisations and public you engage with and those you work alongside.
- (13) Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within the Council.

4. Interests

The Localism Act provides for registration and disclosure of interests and in Derbyshire County Council, this will be done as follows:

(1) Disclosable Pecuniary Interests

- (a) You must comply with the statutory requirements to **register**, and **disclose at meetings** a Disclosable Pecuniary Interest as defined in Appendix A. You must not deal with any matters in which you have a Disclosable Pecuniary Interest and you must **withdraw from any meeting room** where it is being discussed unless you have been granted a dispensation¹ to enable you to take part in the discussion of, and/or vote on, that item.
- (b) You have a Disclosable Pecuniary Interest in any business of the Council where it is a pecuniary interest of yours or of:
 - (i) your spouse or civil partner;
 - (ii) a person with whom you are living as husband or wife; or
 - (iii) a person with whom you are living as civil partners and you are aware that that other person has that interest.

(2) Personal Interests

- (a) In addition to the requirements of paragraph 4(1) (a) regarding Disclosable Pecuniary Interests, you must **register** and **disclose at meetings** any interest in any business of the Council where either it relates to or is likely to affect:-

¹ NB In certain circumstances, the Standards Committee has the power to grant a dispensation to allow a Member to participate in any discussion, or vote on any matter notwithstanding that he or she has a Disclosable Pecuniary Interest in that matter. Applications for dispensations should be submitted in writing to the Monitoring Officer.

- (i) 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 the Council;
- (ii) any body:
 - (aa) exercising functions of a public nature
 - (bb) directed to charitable purposes; or
 - (cc) 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 governing member or in a position of general control or management;
- (iii) any trade union of which you are a member and membership of pressure groups, the Freemasons or other influential bodies of which you are a member.

and that interest is not a Disclosable Pecuniary Interest.

(3) Other Interests

- (a) In addition to the requirements of paragraphs 4(1) and 4(2) above; if you attend a meeting at which any item of business is to be considered and you are aware that you have an interest in that item, you must make **verbal declaration** of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.
- (b) You have an interest in an item of business of the Council where
 - (i) a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Council's administrative area; or
 - (ii) it relates to or is likely to affect any of the interests listed in the Table in Appendix A to this Code, but in respect of a member of your family or a person with whom you have a close association (other than a "relevant person") and you are aware that that other person has that interest and that interest is not a Disclosable Pecuniary Interest or a

Personal Interest as described in paragraphs 4(1) and 4(2) above.

(4) Registration of Interests

(a) You must, within 28 days of:-

- (i) this Code being adopted by the Council, or
- (ii) your election or appointment to office

notify the Monitoring Officer in writing of any Disclosable Pecuniary or Personal Interest described in paragraphs 4(1) and 4(2) above.

(b) You must ensure that the Register of Interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your registrable interests described in paragraphs 4(1) or 4(2), above.

(c) Following any declaration of a Disclosable Pecuniary Interest or a Personal Interest made in accordance with paragraph 4(1) and 4 (2), above which has not been entered in the Register of Interests you must notify the Monitoring Officer of the interest within 28 days of the declaration.

5. Sensitive Interests

(1) Where you are concerned that the disclosure of an interest would lead to you or a person connected with you being subject to violence or intimidation, you may request the Monitoring Officer to agree that the interest is a sensitive interest.

(2) If the Monitoring Officer agrees, then you merely have to disclose the existence of the interest rather than the detail of it at a meeting and the Monitoring Officer can exclude the detail of the interest from the Council's publicly available version of the Register.

(3) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded is no longer a sensitive interest, notify the Monitoring Officer in writing.

(4) In this Code, "sensitive information" means information the availability of which for inspection by the public creates, or is likely to create, serious risk that you or a person connected with you may be subjected to violence or intimidation.

6. Gifts and Hospitality

- (1) You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a Member from any person or body other than the Council. You may register gifts of lower value if you consider this to be appropriate.
- (2) The Monitoring Officer will place your notification on a public Register of Gifts and Hospitality.

Appendix A

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

Interest	Prescribed description
Employment, office, trade, profession or vocation	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 beneficial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992)
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 –

	<p>(a) that body (to M'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 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.</p>
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For this purpose –

“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 (i.e .Derbyshire County Council);

“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 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 namely;

- (i) the Member’s spouse or civil partner

- (ii) a person with whom the Member is living as husband and wife, or
- (iii) a person with whom the Member is living as if they were civil partners

“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.

