

# **RICHMONDHSIRE DISTRICT COUNCIL**

## **MEMBERS' CODE OF CONDUCT**

This Code sets out the standards of behaviour required of you whenever you are acting as a Councillor of Richmondshire District Council. This Code also applies to any person appointed as a co-opted member with voting rights on any Committee of the District Council.

You must sign an Undertaking to comply with this Code of Conduct before acting as a Councillor or voting co-opted Member.

The Code has been adopted by the District Council and also requires compliance with the general principles of public life set out in Appendix 3 at the end of the document. The Council has established an Audit, Governance and Standards Committee, consisting of Members of the Council, to deal with any allegations of breaches of the Code.

1. You must not treat others with disrespect.
2. You must not do anything which may cause the District Council to breach any equality enactment.
3. You must not bully or intimidate any person, or attempt to bully or intimidate them.
4. You must not do anything which compromises the impartiality of anyone who works for or on behalf of the Authority, or do anything that is likely to compromise their impartiality.
5. You must not disclose information which is given to you in confidence or which you believe is of a confidential nature, or ought reasonably to be aware is of a confidential nature, unless:
  - You have the permission of a person authorised to give it; or
  - You are required by law to disclose the information; or
  - You disclose it 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
  - The disclosure is reasonable; and is in the public interest; and is made in good faith; and is only made after having complied with any reasonable requirements of the Council to delay disclosure or to maintain confidentiality.

Before disclosing any information under this paragraph, you must consult the Monitoring Officer and/or the Head of Paid Service.

6. You must not prevent another person gaining access to information which that person is entitled to by law.
7. You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council into disrepute, or your position as a District Councillor into disrepute.

8. You must not use your position as a District Councillor improperly to obtain any advantage or disadvantage for yourself or any other person, or attempt to do so.
9. You must not take part in the scrutiny of any decision you have been involved in making – except that you may provide evidence or opinion to those undertaking any scrutiny process. For the purposes of this paragraph you do not ‘take part’ in a scrutiny process if you simply offer evidence or opinion to the scrutiny body and do not participate in its decision.
10. You must not accept any gift or hospitality which could reasonably be perceived as creating an obligation upon the Council, or upon yourself as a District Councillor, If you do accept any gift or hospitality which might be attributable to your membership of the Council (other than the refreshments which might usually be expected at a Council meeting or civic function) you must disclose this, or any offer of such gift or hospitality, to the Monitoring Officer.
11. You must act in accordance with the Council’s guidance or requirements when using the resources of the Council (such as officer time, IT and copying equipment, or physical materials), or when authorising others to use them, and must ensure that those resources are not used improperly for political or other purposes.
12. You must have regard to relevant advice given by the Council’s Chief Financial Officer or Monitoring Officer when making decisions and must give reasons for those decisions, in accordance with any requirements imposed by statute or the Council.

### **Disclosable Pecuniary Interests**

13. Subject to paragraph 15 you must register in the Council’s Register of Members’ interests information regarding your personal interests within 28 days of becoming a Member or co-opted Member or within 28 days of becoming aware of any change to the details you have already registered. In this Code of Conduct “your personal interests” means any disclosable pecuniary interest as defined by statutory regulations in force from time to time as set out in Appendix 1.
14. You must register information regarding your personal interests by giving written notice to the Monitoring Officer who maintains the Register and you must give such notice by using the form supplied by the Democratic Services Team.
15. Where you consider that disclosure of the details of any of your disclosable pecuniary interests could lead to you or a person connected with you being subject to violence or intimidation you may so inform the Monitoring Officer and if the Monitoring Officer agrees a note will be made in the Register to the effect that you have a disclosable pecuniary interest details of which are withheld under Section 32 of the Localism Act 2011.
16. You must comply with any Standing Order or Procedure Rules adopted by the Council which requires a Member to leave the room during any meeting at which a matter in which they have a disclosable pecuniary interest is being discussed.

17. You should be aware that any failure to register a disclosable pecuniary interest, failure to disclose such an interest at a meeting or participation at a meeting where such an interest has been disclosed are potentially criminal offences as set out in Appendix 2

### **Non Pecuniary Interests**

18. In addition to the requirements of Paragraphs 13 - 17, if you attend a meeting at which any item of business is to be considered and you are aware that you have a “non-pecuniary 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
19. You have a “non-disclosable pecuniary interest or non-pecuniary interest” in an item of business of your authority where –
- (a) 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
  - (b) it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code, but in respect of a member of your family (other than a “relevant person”) or a person with whom you have a close association and that interest is not a disclosable pecuniary interest.

### **Definition of Meeting**

“Meeting” means any meeting organised by or on behalf of the authority, including –

- 1) any meeting of the Council, or a Committee or Sub-Committee of Council
- 2) in taking a decision as a Ward Councillor
- 3) at any briefing by officers; and
- 4) at any site visit to do with business of the authority

## DISCLOSABLE PECUNIARY INTERESTS

The pecuniary interests which are specified in regulations as disclosable pecuniary interests are the interests specified in the second column of the Schedule below:

### 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	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.
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, 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.

For these purposes:-

“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 (entitled to vote);

“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 (the corresponding provisions in this Code are paragraphs 15(1) and 16(6));

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

- M’s spouse or civil partner;
- a person with whom M is living as husband and wife; or
- a person with whom M 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.

**OFFENCES**

- (1) You commit a criminal offence if, without reasonable excuse, you:-
  - a) fail to notify the Monitoring Officer of any disclosable pecuniary interests within 28 days of becoming a Member
  - b) fail to disclose a disclosable pecuniary interest at a meeting even if it is not entered on the Council's register
  - c) fail to notify the Monitoring Officer of any disclosable interest not on the register (which is not the subject of a pending notification) within 28 days of the disclosure
  - d) participate in any discussion or vote at a meeting where you have disclosed a pecuniary interest unless you have a dispensation
  - e) provide information relating to disclosable pecuniary interests that is false or misleading or if you are reckless as to whether the information is true and not misleading
  
- (2) A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

## THE PRINCIPLES OF PUBLIC LIFE

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.

**If you are in any doubt as to your position under the Code of Conduct, please consult the Monitoring Officer.**