

**RUTLAND COUNTY COUNCIL DISTRICT COUNCIL CONSTITUTION**

**PART 5 – CODES AND PROTOCOLS**

**MEMBERS’ CODE OF CONDUCT**

**1 INTRODUCTION**

- 1.1 This Code of Conduct (“the Code”) has been adopted by the Council as required by Section 27 of the Localism Act 2011 (“the Act”).
- 1.2 The Council has a statutory duty under the Act to promote and maintain high standards of conduct by members and co-opted members of the Council (“Members”) and the Code sets out the standards that the Council expects Members to observe.
- 1.3 The Code is not intended to be an exhaustive list of all the obligations that are placed on Members. It is the responsibility of individual Members to comply with the provisions of the Code as well as such other legal obligations as may apply to them from time to time.
- 1.4 The Code is consistent with the following principles (the “Nolan” principles of standards in public life):

Selflessness  
Integrity  
Objectivity  
Accountability  
Openness  
Honesty  
Leadership

**2 WHO DOES THE CODE APPLY TO?**

- 2.1 The Code applies to all Members of the Council and to all co-opted members of any committee, sub-committee or joint committee or sub-committee of the Council with a right to vote.

**3 WHEN DOES THE CODE APPLY?**

- 3.1 The Code applies whenever a person is acting in his/her official capacity as a Member of the Council or co-opted member in the conduct of the Council’s business or acting as a representative of the Council.

## 4 WHAT STANDARDS OF CONDUCT ARE MEMBERS EXPECTED TO OBSERVE?

### **Selflessness:**

- 4.1 Members must always act in the public interest.
- 4.2 Members must never use their position as a member of the Council improperly to secure for themselves or any other person, an advantage or disadvantage
- 4.3 Members must not use the Council's resources improperly for personal or party political purposes.

### **Integrity:**

- 4.4 Members must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.
- 4.5 Members must not disclose information given to them in confidence.

### **Objectivity:**

- 4.6 When making decisions on behalf of the Council, including awarding contracts or making appointments, Members must do so on merit.
- 4.7 Members must have regard to any relevant advice provided to them by the Council's officers and, in particular, the Head of Paid Service, Chief Finance Officer and Monitoring Officer, where such advice is provided pursuant to their statutory duties.

### **Accountability:**

- 4.8 Members must act in accordance with their legal obligations, including the following Acts of Parliament that confer special obligations on elected councillors:

Local Government Act 1972  
Employment Rights Act 1996  
Data Protection Act 1998  
Freedom of Information Act 2000  
Bribery Act 2010

Equality Act 2010  
Localism Act 2011

- 4.9 Members must act in accordance with the Council's policies and reasonable requirements, including any protocols and codes of practice that may apply. (eg in respect of Member/Officer relations, IT, Members' Allowances).

**Openness:**

- 4.10 Members must give reasons for any decisions taken on behalf of the Council in accordance with any statutory requirements and the Council's Constitution.
- 4.11 Members must not prevent another person from gaining access to information to which that person is entitled by law.

**Honesty:**

- 4.12 Members must declare any disclosable (pecuniary and non-pecuniary) interests or conflicts of interest that may arise in respect of their responsibilities as a Member of the Council.
- 4.13 Members must at all times ensure that any claims for expenses, allowances, and their use of facilities and services provided by the Council are strictly in accordance with the rules laid down on these matters.

**Leadership:**

- 4.14 Members must set an example by their behaviour and shall act in a way that enhances public trust and confidence in the integrity of the Council and its Members.
- 4.15 Members must show respect and courtesy to others.
- 4.16 In their dealings with the Council's employees, Members must have regard to the Council's protocol on Member/Officer Relations and on no account should they behave in a manner that might constitute bullying.

**5 REGISTER OF INTERESTS**

- 5.1 The Council's Monitoring Officer maintains a register of interests of Members and co-opted members of the Council. A copy of the register will be available for public inspection and will be published on the authority's website.
- 5.2 The Council has determined what interests Members are required to enter in the register of interests, including those disclosable pecuniary interest prescribed by regulations. These disclosable pecuniary interests are listed in schedule 1. The other disclosable interests are listed in Schedule 2.
- 5.3 Members must notify the Council's Monitoring Officer of any disclosable pecuniary and non-pecuniary interests that should be recorded in the Council's register of interests.

- 5.4 Within 28 days of becoming a councillor, all Members must submit to the Monitoring Officer a list of their disclosable interests and must notify the Monitoring Officer of any changes as and when they arise.
- 5.5 Where a Member considers that disclosure of the details of an interest could lead to the Member, or a person connected with the Member, being subject to violence or intimidation if the interest is entered in the register, and the Monitoring Officer agrees, 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 the Member has an interest the details of which are withheld.
- 5.6 Where a disclosable interest exists, whether or not it has been entered in the register of interests, a Member must disclose the interest to any meeting of the authority at which the Member is present. Where this is a disclosable pecuniary interest the member must withdraw from the meeting room during its consideration.

## **Schedule 1 – Disclosable Pecuniary Interests**

In this Schedule, “M” means a Member or co-opted member of Rutland County Council. The interests to be disclosed include those interests (of which M is aware) of M’s partner, which means spouse or civil partner, a person with whom M is living as husband or wife, or a person with whom M is living as if they were civil partners.

<b>Subject</b>	<b>Prescribed description</b>
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 share capital of that

	<p>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>
--	---

**Schedule 2 – Disclosable Interests other than disclosable pecuniary interests**

- (i) any body of which the Member is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- (ii) any body –
  - (a) exercising functions of a public nature;
  - (b) directed to charitable purposes; or
  - (c) one of whose principal purposes include the influence of public opinion or policy (including any political party or trade union) of which the Member of the Council is a member or in a position of general control or management;
- (iii) any gifts of hospitality worth more than an estimated value of £50 which the Member has received by virtue of his or her office.