

DRAFT REVISED MEMBERS' CODE OF CONDUCT

1 INTRODUCTION

- 1.1 The Council has a statutory duty under the Localism Act 2011 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.
- 1.2 This Code of Conduct has been adopted by the Council as required by Section 27 of the Localism Act 2011, under which the Council must secure that the Code:
- (a) is, when viewed as a whole, consistent with the principles as set out at Part 3 of this Code of Conduct; and
 - (b) includes the provision the authority considers appropriate in respect of the registration in its register, and disclosure, of
 - (i) pecuniary interests (including 'disclosable pecuniary interests'), and
 - (ii) interests other than pecuniary interests.
- 1.3 In doing so, the Council sees that the purpose of the Code of Conduct is to assist all Members in the discharge of their obligations to the Council, their constituents and the County at large by:
- (a) establishing the standards and principles of conduct expected of all Members in undertaking their duties;
 - (b) setting the rules of conduct which underpin these standards and principles and to which all Members must adhere; and in so doing
 - (c) ensuring public confidence in the standards expected of all Members and in the commitment of the Council to upholding these rules..

2 SCOPE

- 2.1 The Code applies whenever a person is acting in his or her capacity as a Member of the Council or co-opted member of a committee, sub-committee or other body of the Council.
- 2.2 It is the responsibility of individual Members to comply with the provisions of the Code of Conduct as well as such other legal obligations as may apply to them from time to time.

3 PRINCIPLES

- 3.1 In carrying out their Council and public duties, Members will be expected to observe the following general principles of conduct identified by the Committee on Standards in Public Life applying to holders of public office. These principles will

be taken into account when considering the investigation and determination of any allegations of breaches of the rules of conduct in Part 4 of the Code.

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.

4 RULES OF CONDUCT

In addition to observing the principles set out above, Members shall comply with the following requirements of this Code.

- 4.1 Members must base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest
- 4.2 Members must treat others with respect.
- 4.3. Members must not:
 - (a) do anything which may cause the Council to breach any of its obligations under the Equality Act 2010
 - (b) bully any person
 - (c) intimidate or attempt to intimidate any person who is or is likely to be:
 - (i) a complainant;
 - (ii) a witness; or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including him or herself) has failed to comply with this code of conduct
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council
- 4.4 Members must not:
 - (a) disclose information given to the Member in confidence by anyone, or information acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) the Member has the consent of a person authorised to give it;
 - (ii) they 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:
 - reasonable and in the public interest; and
 - made in good faith and in compliance with the reasonable requirements of the Council; or
 - (b) prevent another person from gaining access to information to which that person is

entitled by law.

- 4.5 Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or the Council into disrepute.
- 4.6 Members must:
- (a) not use or attempt to use their position as a Member improperly to confer on, or secure for him or herself or any other person, an advantage or disadvantage; and
 - (b) when using or authorising the use by others of the resources of the Council:
 - (i) act in accordance with the Council's reasonable requirements (including those relating to expenses, allowances and use of ICT, facilities or other services);
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes);
 - (c) have regard to any Local Authority Code of Publicity made under the Local Government Act 1986; and
 - (d) act in accordance with any Protocol or Code of Practice as adopted by the Council and that apply to the role being undertaken by the Member at that time
- 4.7 Members must:
- (a) when reaching decisions on any matter, have regard to any relevant advice provided by:
 - (i) the Council's head of paid service
 - (ii) the Council's the Section 151 officer; or
 - (iii) the Council's monitoring officer,where that officer is acting pursuant to their statutory duties;
 - (b) make decisions concerning appointments, award of contract and the like on merit; and
 - (c) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

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 interests and other 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 other 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.

6 CONFLICTS OF INTEREST

- 6.1 Where a disclosable interest or other 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.
- 6.2 Where a Member is aware, or ought reasonably be aware, that an action or decision by them would result in gain of financial or other material benefit for themselves, their family or their friends, the Member must declare and resolve that conflict of interest and relationship.

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.

Subject	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 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 - <ul style="list-style-type: none"> (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) – <ul style="list-style-type: none"> (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 – <ul style="list-style-type: none"> (a) that body (to M’s knowledge) has a place of business or land in the area of the relevant authority; and (b) either - <ul style="list-style-type: none"> (i) the total nominal value of the securities

	<p>(ii) exceeds £25,000 or share capital of that body; or 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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Schedule 2 – Disclosable Interests other than disclosable pecuniary interests

Any gift or hospitality worth more than an estimated value of £50 which the Member has received by virtue of his or her office and the person or persons from whom the gift or hospitality was received.