

NORTH YORKSHIRE COUNTY COUNCIL

EXECUTIVE

25 January 2022

Proposed amendments to Council's Members' Code of Conduct in light of new voluntary Model Code

Report of the Assistant Chief Executive (Legal and Democratic Services)

1.0 PURPOSE OF REPORT

- 1.1 To present to Members for their consideration and approval, proposed amendments to the Council's Members' Code of Conduct in light of the new voluntary model Code of Conduct for Members. Given the forthcoming elections on 5 May 2022, it is recommended that the changes come into effect on that date so that all Members can receive training on the new Code of Conduct.

2.0 BACKGROUND

- 2.1 The Local Government Association (LGA) has published a new, voluntary model Code of Conduct for Members (and supporting Guidance), which has been considered by the Standards Committee Members and independent Persons for Standards. The model Code is published on the LGA website at <https://www.local.gov.uk/local-government-association-model-councillor-code-conduct-2020-0> and is also attached at **Appendix 1** to this report for ease of reference.
- 2.2 A copy of the Council's current Code of Conduct for Members is attached at **Appendix 2** to this report for ease of comparison purposes.
- 2.3 Members of the Standards Committee met informally, remotely, on 17 September 2021. One of the Independent Persons for Standards was also in virtual attendance. The agenda and report pack is published online at [Agenda for Standards Committee on Friday, 17th September, 2021, 10.00 am | North Yorkshire County Council](#). Members carefully considered the proposed amendments to the Council's Members' Code of Conduct in light of the new model Code, and made various suggestions for further amendments. Members also felt that in terms of how to best disseminate information from the LGA Guidance on the model Code, this would best be done by creating a specific Council guidance note if the proposed changes to the Council's Code were ultimately approved.
- 2.4 Following the informal meeting on 17 September, further proposed revisions were made to the Council's Code to take into account the views expressed at the informal meeting. These were considered and agreed, for onwards recommendation, by the Chief Executive Officer under his emergency delegated decision-making powers (in light of the ongoing Covid-19 pandemic) on 25 October 2021 ([Decision - Approval of Standards Committee recommendations re proposed amendments to Members' Code of Conduct in light of new voluntary Model code | North Yorkshire County Council](#)).

- 2.5 The proposed amendments were then considered by the Members' Working Group on the Constitution on 25 November 2021 and the informal meeting of Executive Members on 25 January 2022 ([Agenda for Executive on Tuesday, 25th January, 2022, 11.00 am | North Yorkshire County Council](#)). The following recommendations to full Council were agreed by the Chief Executive Officer under his emergency delegated decision-making powers (in light of the ongoing Covid-19 pandemic) on 25 January 2022, having taken account of the comments made by Executive Members and all the relevant information provided, namely that:
- a) the proposed amendments to the Council's current Members' Code of Conduct as set out in Appendix 3 of the report, to take effect from 5 May 2022;
 - b) the Monitoring Officer be authorised to make consequential amendments to the registration of Members' interests form proforma, any other relevant standards documentation and the Constitution to reflect the changes made to the Council's Code; and
 - c) that tailored guidance, specific to the Council's Members' Code of Conduct, be circulated to the new elected Members in May if the proposed amendments to the Code are ultimately approved by full Council.
- 2.6 County Council Members are now asked to consider and determine these recommendations. Further slight suggested amendments have been made to the Code (set out in **Appendix 3** to this report) since Executive Members' consideration, to reflect discussions at the informal meeting in terms of expanding the dispensation regime to cover all interests precluding a member's participation in Council business, not just disclosable pecuniary interests.

LGA MODEL CODE OF CONDUCT FOR MEMBERS AND SUPPORTING GUIDANCE

- 3.1 The new model Code is voluntary and local authorities are able to adopt the model in its entirety or not at all, or adapt it to suit their local circumstances. The LGA has published the new model Code in advance of a response from the Government regarding the recommendations made by the Committee on Standards in Public Life (CSPL) in their report on Local Government Ethical Standards. Should any of the recommendations be implemented this may necessitate a change to the Model Code in the future. The LGA has stated it will review the Model Code on an annual basis.
- 3.2 The LGA has also published, online, supporting Guidance on the new model Code at [Guidance on Local Government Association Model Councillor Code of Conduct | Local Government Association](#). It is a lengthy and detailed online document containing further explanation of the model code, case examples and direct links to other guidance documents. It is not recommended that any further guidance extracts are included in the Council's Code itself to avoid making the Code any longer (it is already almost 20 pages long) and to avoid blurring Code obligations and guidance/explanation points. In addition, not all the LGA Guidance will be relevant to the Council's Code as amended (as not all parts of the model code are being recommended for inclusion in the Council's Code, or they are being tailored to fit the Council's requirements). It is therefore recommended that it would be most appropriate to create a specific Council guidance note in support of the Council's Code if the proposed changes are ultimately approved.

4.0 DRAFT AMENDMENTS TO COUNCIL'S CODE OF CONDUCT FOR MEMBERS

4.1 The proposed amendments to the Council's Code of Conduct for Members and a commentary on them are attached at **Appendix 3** for Members' consideration and approval.

4.2 These changes relate to matters such as:

- including in the Council's Code, relevant guidance extracts from the model code, to aid understanding of the Code's requirements;
- including in the Council's Code, further general conduct obligations eg complying with the Council's standards regime, and refraining from making trivial, vexatious, malicious, politically motivated or tit-for-tat standards complaints against other Members, in order to comply with the model Code and the Committee on Standards in Public Life's Report on Local Government Ethical Standards Best Practice Recommendation 2;
- expanding, clarifying and including a £25 threshold in relation to the gifts and hospitality provisions;
- the expansion of the registration and declaration of interests regime, including:
 - the inclusion of a specific requirement (to reflect current practice) for a Member with a Disclosable Pecuniary Interest (DPI) to declare the existence and nature of the interest before leaving the meeting;
 - the inclusion of a specific requirement (to reflect current practice) for a Member with a DPI to leave the meeting room after declaring the interest (subject to the dispensation provisions);
 - the expansion of the range of interests other than DPIs ("Other Registrable Interests") (ORIs) required to be registered to cover not only membership of trade unions and professional associations but also:
 1. Unpaid directorships;
 2. Any body of which the Member is a member or is in a position of general control or management and to which they are nominated or appointed by the authority;
 3. Any body:
 - i. exercising functions of a public nature
 - ii. directed to charitable purposes or
 - iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union/professional association)

of which the Member is a member or in a position of general control or management

- making specific provision for the declaration of those Other Registrable Interests in matters considered at meetings and participation in relation to them, ie:
 - where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of the Other Registrable Interests, the Member must disclose the interest to the meeting, may speak on the matter if the public can, but otherwise must not take part in any discussion or vote and must leave the room (subject to the provisions on sensitive interests and dispensations);
- making specific provision for the declaration of other Non-Registrable Interests (NRIs) (ie those other than DPIs and ORIs) in matters considered at meetings and participation in relation to them, ie:
 - where a matter arises at a meeting which **directly relates** to the Member's financial interest or well-being, or that of a relative or close associate (of which the Member could reasonably be expected to be aware), the Member must disclose the interest to the meeting, may speak on the matter if the public can, otherwise they must not take part in any discussion or vote on the matter and must not remain in the room (subject to the dispensation provisions);
 - where a matter arises at a meeting which **affects** the Member's financial interest or well-being or that of a relative or close associate or of a body included under Other Registrable Interests (of which the Member could reasonably be expected to be aware), the Member must disclose the interest to the meeting BUT may be able to remain in the meeting after considering the prejudicial interest test:
 - ❖ where the matter affects the financial interest or wellbeing:
 - to a greater extent than it affects the financial interests or wellbeing of the majority of inhabitants of the ward affected by the decision and;
 - a reasonable member of the public knowing all the facts would believe that it would affect the Member's view of the wider public interest

then the Member may speak on the matter if the public can, but must not take part in any discussion or vote on the matter and must not remain in the room (subject to the dispensation provisions);
 - ❖ where the matter does not so affect the financial interest or wellbeing, then the Member may speak and vote on the matter in the usual way.
- making similar provision for Other Registrable and Non-Registrable Interests, as for DPIs, in matters considered by a single member;

4.3 The opportunity has also been taken to make some more minor suggested amendments by way of update and clarification to the Code.

4.4 It should be noted that by making the new model Code voluntary, it is unlikely to achieve its aim of standardisation across all authorities for dual hatted Members, as authorities will not necessarily be minded to take the same approach for their respective Codes of Conduct. The Monitoring Officer is liaising with neighbouring authorities as to the approach they are taking to the new model Code to ensure as consistent an approach as is possible.

4.5 Since the informal meeting of Standards Committee Members on 17 September 2021, the Monitoring Officer has produced a summary chart of the proposed new interests regime, including relevant extracts from the LGA Guidance, attached at **Appendix 4** to this report, which may aid Members' consideration. This has again been slightly amended since Executive Members' consideration of it on 25 January 2022 to expand the dispensation regime to all types of interest precluding a Member's participation in Council business (not just Disclosable Pecuniary Interests).

5.0 CONSULTATION

5.1 As the Council's Members' Code of Conduct forms part of the Constitution, the proposed amendments to the Code must be considered and approved by full Council.

5.2 Relevant Officers and Members have been consulted on the proposed changes set out in this report and its appendices. The proposed changes were considered by Standards Committee Members on 17 September 2021, the Members' Working Group on the Constitution on 25 November 2021 and Executive Members on 25 January 2022.

5.3 Members consulted so far are supportive of the proposed changes to the Code and felt it would be helpful to have the updated Code in place. This would not bind the new unitary authority, which will adopt its own Code of Conduct for Members at the relevant time. It will be helpful to train Members on the new provisions of the Code, in particular the requirement to register and declare a wider range of interests and therefore it is considered that this training be provided to all Members after the May 2022 elections. Therefore it is recommended that the changes to the Code come into force on 5 May 2022.

6.0 FINANCIAL IMPLICATIONS

6.1 There are no significant financial implications arising from this report.

7.0 LEGAL IMPLICATIONS

7.1 The legal implications are set out in the body of this report.

8.0 EQUALITIES IMPLICATIONS

8.1 There are no significant equalities implications arising from this report.

9.0 ENVIRONMENTAL/CLIMATE CHANGE IMPLICATIONS

9.1 There are no significant environmental or climate change implications arising from this report.

10.0 CONCLUSION

- 10.1 Subject to any comments Members may have, Members are requested to consider and approve the proposed amendments to the Council's current Code of Conduct for Members to come into effect from 5 May 2022; and also to agree that tailored guidance, specific to the Council's Members' Code of Conduct, be provided to Members at the relevant time.
- 10.2 The proposed amendments to the interests' regime in the Code will necessitate consequential changes to the registration of interests form proforma and the other changes to the Code will require consequential amendments to the Constitution. It is therefore further recommended that the Monitoring Officer be authorised to make consequential amendments to the registration of Members' interests proforma, any other relevant standards documentation and the Constitution to reflect the changes made to the Council's Code.

11.0 REASONS FOR RECOMMENDATIONS

- 11.1 In order to ensure consistency with developments in the national standards regime, it is recommended that, subject to any comments Members may have, the recommendations set out below be approved.

12.0 RECOMMENDATIONS

- 12.1 That:
- a) the proposed amendments to the Council's current Members' Code of Conduct as set out in **Appendix 3** be approved, to take effect from 5 May 2022;
 - b) the Monitoring Officer be authorised to make consequential amendments to the registration of Members' interests form proforma, any other relevant standards documentation and the Constitution to reflect the changes made to the Council's Code; and
 - c) that tailored guidance, specific to the Council's Members' Code of Conduct, be circulated to the new elected Members in May 2022.

BARRY KHAN

Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer

Background Papers: None

County Hall
NORTHALLERTON

2 February 2022



Local Government Association **Model Councillor Code of Conduct 2020**

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring

Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and

contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport

- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**

- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**

- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

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 disclose 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.

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“**Disclosable Pecuniary Interest**” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

“**Partner**” means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registerable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. [Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	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 council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. 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 made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</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 and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor’s knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</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 council; 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 councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

* '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.

Table 2: Other Registrable Interests

You must register as an Other Registrable Interest :

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) 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 member or in a position of general control or management

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

CODE OF CONDUCT FOR MEMBERS OF NORTH YORKSHIRE COUNTY COUNCIL

This Code sets out the standards of behaviour required of you whenever you are acting as a Councillor of North Yorkshire County Council. This Code also applies to any person appointed as a co-opted member with voting rights on any Committee of the County Council and references in this Code should be construed accordingly.

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

The Code has been adopted by the County Council and also requires compliance with the general principles of public life set out at the end of the document. The Council has established a 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 County 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 Council, 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 Chief Executive Officer.

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 Member into disrepute.
8. You must not use your position as a Member 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.
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 Member. 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.
13. You must comply with the following sections of this Code, which relate to registering and declaring in meetings certain interests you may have. This includes complying with any procedure rule adopted by the Council which requires Members to leave the room during any meeting at which a matter in which they have a disclosable pecuniary interest is being discussed.

INTERESTS

Disclosable Pecuniary Interests

14. (1) A pecuniary interest is a "disclosable pecuniary interest" in relation to you if it is of a description specified in regulations (and listed in Appendix 1) and either:
 - (a) it is your interest; or
 - (b) it is an interest of:
 - (i) your spouse or civil partner;

- (ii) a person with whom you are living as husband and wife; or
- (iii) a person with whom you are living as if you are civil partners;

and you are aware that that other person has the interest.

Disclosure of pecuniary interests on taking office

15. (1) You must, before the end of 28 days beginning with the day on which you become a member or co-opted member of the Council, notify the Monitoring Officer of any disclosable pecuniary interests which you have at the time when the notification is given.
- (2) Where you become a member or co-opted member as a result of re-election or re-appointment, sub-paragraph (1) applies only as regards disclosable pecuniary interests not entered in the Council's register when the notification is given.
- (3) Where you give a notification for the purposes of sub-paragraph (1), the Monitoring Officer is to cause the interests notified to be entered in the Council's Register of Members' Interests ("the Register") (whether or not they are disclosable pecuniary interests).
- (4) Subject to paragraph 17 (regarding sensitive interests), you must, within 28 days of becoming aware of any new disclosable pecuniary interest or change to any interest already registered, register details of that new interest or change by providing written notification to the Monitoring Officer.

Pecuniary interests in matters considered at meetings

16. (1) Sub-paragraphs (2) to (4) apply if you:
- (a) are present at a meeting of the Council or Executive, or of any committee, sub-committee, joint committee or joint sub-committee of the Council or Executive;
 - (b) have a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting; and
 - (c) are aware that the condition in paragraph (b) is met.
- (2) If the interest is not entered in the Council's Register, you must disclose the interest to the meeting, but this is subject to this Code's provisions on sensitive interests.

- (3) If the interest is not entered in the Council's Register and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure.
- (4) You may not:
 - (a) participate, or participate further, in any discussion of the matter at the meeting; or
 - (b) participate in any vote, or further vote, taken on the matter at the meeting;

but this is subject to this Code's provisions on dispensations.

Pecuniary interests in matters considered by a single member

- (5) Sub-paragraphs (6) and (7) apply if:
 - (a) a function of a relevant authority may be discharged by a member of the authority acting alone;
 - (b) the member has a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, by the member in the course of discharging that function, and
 - (c) the member is aware that the condition in paragraph (b) is met.
- (6) If the interest is not entered in the Council's Register and is not the subject of a pending notification, the member must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date when the member becomes aware that the condition in sub-paragraph (5)(b) is met in relation to the matter.
- (7) The member must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the member).
- (8) Where you give a notification for the purposes of sub-paragraph (3) or (6), the Monitoring Officer is to cause the interest notified to be entered in the Register (whether or not it is a disclosable pecuniary interest).
- (9) The Council's Constitution provides for the exclusion of a member or co-opted member of the authority from a meeting while any discussion or vote takes place in which, as a result of the operation of sub-paragraph (4), the member or co-opted member may not participate.
- (10) An interest is "subject to a pending notification" if:

- (a) the interest has been notified to the Monitoring Officer, but
- (b) has not been entered in the Register in consequence of that notification.

Other Interests

- 16A. (1) You must, before the end of 28 days beginning with the day on which you become a member or co-opted member of the Council, notify the Monitoring Officer of any interests other than disclosable pecuniary interests of a type set out in Appendix 2 which you have at the time when the notification is given. This relates only to your *own* interests.
- (2) Where you become a member or co-opted member as a result of re-election or re-appointment, sub-paragraph (1) applies only as regards interests other than disclosable pecuniary interests of a type set out in Appendix 2 not entered in the Council's register when the notification is given.
 - (3) Subject to paragraph 17 (regarding sensitive interests), you must, within 28 days of becoming aware of any new interests other than disclosable pecuniary interests of a type set out in Appendix 2 or change to any such interest already registered, register details of that new interest or change by providing written notification to the Monitoring Officer.
 - (4) Members involved in making a decision on particular business must always bear in mind the rules relating to bias and predetermination and must not participate in, or seek to influence, Council business where their interests (including those other than disclosable pecuniary interests of a type set out in Appendix 2) may prejudice, or appear to prejudice, their views.

Sensitive interests

- 17.(1) Sub-paragraphs (2) and (3) apply where:
- (a) you have an interest (whether or not a disclosable pecuniary interest); and
 - (b) the nature of the interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation.
- (2) If the interest is entered in the Register, copies of the Register that are made available for inspection, and any published version of the Register, must not include details of the interest (but may state that you have an interest the

details of which are withheld under section 32(2) of the Localism Act 2011).

- (3) If paragraph 16(2) applies in relation to the interest, that provision is to be read as requiring you to disclose not the interest but merely the fact that you have a disclosable pecuniary interest in the matter concerned.

DISPENSATIONS FROM NON-PARTICIPATION

18. (1) The Council may, on a written request made to the Monitoring Officer by you, grant a dispensation (in accordance with the relevant statutory provisions) relieving you from either or both of the restrictions in paragraph 16(4) in cases described in the dispensation.
- (2) Paragraph 16(4) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this section.

OFFENCES

19. (1) You commit a criminal offence if, without reasonable excuse, you:-
 - (a) fail to comply with an obligation imposed on you by paragraph 15(1) or 16(2), (3) or (6);
 - (b) participate in any discussion or vote in contravention of paragraph 16(4); or
 - (c) take any steps in contravention of paragraph 16(7).
 - (2) You commit an offence if under paragraph 15(1) or 16(2), (3) or (6) you provide information that is false or misleading and you:
 - (a) know that the information is false or misleading; or
 - (b) are reckless as to whether the information is true and not misleading.
 - (3) 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.
20. **If you are in any doubt as to your position under the Code of Conduct, please consult the Monitoring Officer.**

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 vacation	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 (corresponding provision in this Code is paragraph 14(1)(b)), 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.

INTERESTS OTHER THAN DISCLOSABLE PECUNIARY INTERESTS

The interests other than pecuniary interests which are required by the Council to be registered in the Register of Members' Interests are set out below:

1. Membership of Trade Unions/Professional Associations

In accordance with DCLG Guidance, Members are required to register, in the Register of Members' Interests, their membership of any trade union or professional association.

GENERAL PRINCIPLES OF PUBLIC LIFE

Principle	Revised description
<i>Preamble</i>	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.
<i>Selflessness</i>	Holders of public office should act solely in terms of the public interest.
<i>Integrity</i>	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.
<i>Objectivity</i>	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
<i>Accountability</i>	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.
<i>Openness</i>	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.
<i>Honesty</i>	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.

CODE OF CONDUCT FOR MEMBERS OF NORTH YORKSHIRE COUNTY COUNCIL

This Code sets out the standards of behaviour required of you whenever you are acting in your official capacity as a Councillor of North Yorkshire County Council. This Code also applies to any person appointed as a co-opted member with voting rights on any Committee of the County Council when acting in their official capacity and references in this Code should be construed accordingly.

Commented [MB1]: To make it absolutely clear that the Code only applies to Members when they are acting in their official capacity as a county councillor.

Commented [MB2]: To make it absolutely clear that the Code only applies to voting-co-opted members when they are acting in their official capacity as such.

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

The Code has been adopted by the County Council and also requires compliance with the General Principles of Public Life set out at the end of the document. The Council has established a Standards Committee, consisting of members of the Council, assisted by two Independent Persons for Standards, to oversee the Council's ethical framework.

Commented [MB3]: Making them a defined term to reflect the status of the General Principles.

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Commented [MB4]: To highlight the role of the Independent Persons for Standards.

Commented [MB5]: Wording amended as complaints are rarely determined by the full Standards Committee.

Deleted: deal with any allegations of breaches of the Code

Commented [MB6]: At the Committee's last meeting, Members wished to include the relevant guidance points contained with the model code.

Commented [MB7]: To separate the conduct obligations from the introductory section above.

Commented [MB8]: The general conduct obligations have been emboldened to make the requirements stand out from the guidance extracts.

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Notes in italics in this Code are guidance extracts from the national voluntary model code of conduct for Members, to aid understanding of the Code's requirements.

GENERAL CONDUCT OBLIGATIONS

1. You must **respect** others with **respect**.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. You must not **unlawfully discriminate against any person or do anything which may cause the County Council to breach any equality enactment.**

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a

person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. **You must not bully, intimidate or harass any person, or attempt to do so.**

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Deleted: bully or intimidate them

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

4. **You must not do anything which compromises the impartiality of anyone who works for or on behalf of the Council, or do anything that is likely to compromise their impartiality.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

Commented [MB9]: To add in the guidance from the model Code for consistency with the other general conduct obligations.

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 Chief Executive Officer.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

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 Member into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

8. You must not use your position as a Member improperly to obtain any advantage or disadvantage for yourself or any other person, or attempt to do so.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

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.

10. You must give careful consideration to gifts or hospitality offered to you:

a) You must not accept any gift or hospitality (of any value) which could reasonably be perceived as creating an obligation upon the Council, or upon yourself as a Member, or which could give rise, or give the appearance of giving

Commented [MB10]: To add in the guidance from the model Code for consistency with the other general conduct obligations. This guidance extract also covers paragraph 6 of the Council's Code below.

Commented [MB11]: To add in the guidance from the model Code for consistency with the other general conduct obligations.

Commented [MB12]: To add in the guidance from the model Code for consistency with the other general conduct obligations.

Commented [MB13]: This is not specified in the model code so there is no guidance extract from the model code.

Commented [MB14]: So if an offer of a gift or hospitality is under £25 in value, but is from, for example, a contractor seeking a contract with the Council, then this could potentially give rise to the appearance of an obligation upon the Council and should be declined, even though under the £25 threshold.

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rise, to real or substantive personal gain or a reasonable suspicion of influence on your part to show favour, for example from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage. Where such a person does make a significant offer (estimated value £25 or more) of gifts and/or hospitality to you, you should inform the Monitoring Officer.

b) If you do accept any gift or hospitality of estimated value £25 or more 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 you decline, to the Monitoring Officer within 28 days of its offer/receipt.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

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.

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor. Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

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,

Commented [MB15]: Added 'appearance of' to cover perception point – not in model code.

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Commented [MB16]: Amended to 'your' – model code says 'my'.

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Commented [MB17]: Added 'for example' so as not to limit the application of the paragraph.

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Commented [MB18]: Changed to 'Council' – says 'local authority' in model code.

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Commented [MB19]: Included this requirement to inform the Monitoring Officer of all significant offers (so he can monitor offers made).

Commented [MB20]: £25 was the threshold agreed by the Standards Committee to be appropriate at its meeting on 4 March 2021 (not the £50 stated in the model code).

Commented [MB21]: Suggesting we add in this timescale for completeness and clarification.

Commented [MB22]: To add in the guidance from the model Code for consistency with the other general conduct obligations.

Commented [MB23]: To add in the guidance from the model code for consistency with the other general conduct obligations.

in accordance with any requirements imposed by statute or the Council.

Commented [MB24]: No guidance extract contained in model code.

13. You must comply with the following sections of this Code, which relate to registering and declaring in meetings certain interests you may have.

Deleted: This includes complying with any procedure rule adopted by the Council which requires Members to leave the room during any meeting at which a matter in which they have a disclosable pecuniary interest is being discussed

14. You must (unless otherwise specifically agreed with the Monitoring Officer), comply with the Council's standards regime relating to the Code of Conduct, including but not limited to:

Commented [MB26]: Caveat wording agreed as appropriate recommendation, at virtual informal Standards Committee meeting on 17 September 2021.

a) attending standards training provided/arranged by the Council;

b) co-operating with any standards assessment, investigation and/or determination;

Commented [MB27]: 'assessment' included to ensure all stages of complaint handling are covered ('assessment' is not referenced specifically in the model code).

c) not intimidating or attempting to intimidate any person who is likely to be a party in, witness in or involved with the administration of any standards complaint, assessment, investigation or determination;

Commented [MB28]: "...a party in, witness in..." and "...complaint, assessment, investigation or..." suggested for completeness (not referenced specifically in model code).

d) refraining from making trivial, vexatious, malicious, politically motivated or tit-for-tat standards complaints against other Members.

Commented [MB29]: (d) is not in the model code but "prohibiting trivial or malicious allegations by councillors" is included in the CSPL Report on Local Government Ethical Standards Best Practice Recommendation 2. At the Standards Committee's meeting on 4 March 2021, Members agreed that the authority should seek to comply with all the Best Practice Recommendations. The proposed amendments extend the wording further to cover similar such motivated complaints, to be consistent with the wording in the Council's Jurisdiction and Assessment Criteria.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Commented [MB30]: To add in the guidance from the model code for consistency with the other general conduct obligations.

INTERESTS

Disclosable Pecuniary Interests (DPI)

Commented [MB31]: To reflect terminology used in the model code.

15. (1) A pecuniary interest is a "disclosable pecuniary interest" (DPI) in relation to you if it is of a description specified in regulations (and listed in Appendix 1) and either:

- (a) it is your interest; or
- (b) it is an interest of:
 - (i) your spouse or civil partner;
 - (ii) a person with whom you are living as husband and wife; or
 - (iii) a person with whom you are living as if you are civil partners;

and you are aware that that other person has the interest.

Disclosure of pecuniary interests on taking office

16. (1) You must, before the end of 28 days beginning with the day on which you become a member or co-opted member of the Council, notify the Monitoring Officer of any disclosable pecuniary interests which you have at the time when the notification is given.
- (2) Where you become a member or co-opted member as a result of re-election or re-appointment, sub-paragraph (1) applies only as regards disclosable pecuniary interests not entered in the Council's register when the notification is given.
- (3) Where you give a notification for the purposes of sub-paragraph (1), the Monitoring Officer is to cause the interests notified to be entered in the Council's Register of Members' Interests ("the Register") (whether or not they are disclosable pecuniary interests).
- (4) Subject to paragraph 25 (regarding sensitive interests), you must, within 28 days of becoming aware of any new disclosable pecuniary interest or change to any interest already registered, register details of that new interest or change by providing written notification to the Monitoring Officer.

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Pecuniary interests in matters considered at meetings

17. (1) Sub-paragraphs (2) to (4) apply if you:
- (a) are present at a meeting of the Council or Executive, or of any committee, sub-committee, joint committee or joint sub-committee of the Council or Executive;
 - (b) have a disclosable pecuniary interest **directly relating to** any matter to be considered, or being considered, at the meeting; and
 - (c) are aware that the condition in paragraph (b) is met.
- (2) You must disclose the **existence and nature of the** interest to the meeting, but this is subject to this Code's provisions on sensitive interests.
- (3) If the interest is not entered in the Council's Register and is not the subject of a pending notification, you must notify the

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Commented [MB32]: To pick up wording in the model code.

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Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure.

- (4) You may not:
- (a) participate, or participate further, in any discussion of the matter at the meeting; or
 - (b) participate in any vote, or further vote, taken on the matter at the meeting;
 - (c) remain in the meeting room;

Commented [MB34]: To make the Council's current practice and legal requirement explicitly clear in the Code.

but this is subject to this Code's provisions on dispensations.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority. You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained. You should note that failure to register or disclose a disclosable pecuniary interest is a criminal offence under the Localism Act 2011.

Commented [MB35]: To add in the guidance from the model code.

Pecuniary interests in matters considered by a single member

- (5) Sub-paragraphs (6) and (7) apply if:
- (a) a function of a relevant authority may be discharged by a member of the authority acting alone;
 - (b) the member has a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, by the member in the course of discharging that function, and
 - (c) the member is aware that the condition in paragraph (b) is met.
- (6) If the interest is not entered in the Council's Register and is not the subject of a pending notification, the member must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date when the member becomes aware that the condition in sub-paragraph (5)(b) is met in relation to the matter.
- (7) The member must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the member).

- (8) Where you give a notification for the purposes of sub-paragraph (3) or (6), the Monitoring Officer is to cause the interest notified to be entered in the Register (whether or not it is a disclosable pecuniary interest).
- (9) The Council's Constitution provides for the exclusion of a member or co-opted member of the authority from a meeting while any discussion or vote takes place in which, as a result of the operation of sub-paragraph (4), the member or co-opted member may not participate.
- (10) An interest is "subject to a pending notification" if:
 - (a) the interest has been notified to the Monitoring Officer, but
 - (b) has not been entered in the Register in consequence of that notification.

Other Registrable Interests (ORI)

18. The interests other than disclosable pecuniary interests which are required by the Council to be registered in the Register of Members' Interests are set out in Appendix 2.

Disclosure of Other Registrable Interests on taking office

- 19. (1) You must, before the end of 28 days beginning with the day on which you become a member or co-opted member of the Council, notify the Monitoring Officer of any interests other than disclosable pecuniary interests of a type set out in Appendix 2 which you have at the time when the notification is given. **This relates only to your own interests.**
- (2) Where you become a member or co-opted member as a result of re-election or re-appointment, sub-paragraph (1) applies only as regards interests other than disclosable pecuniary interests of a type set out in Appendix 2 not entered in the Council's register when the notification is given.
- (3) Subject to paragraph 25 (regarding sensitive interests), you must, within 28 days of becoming aware of any new interests other than disclosable pecuniary interests of a type set out in Appendix 2 or change to any such interest already registered, register details of that new interest or change by providing written notification to the Monitoring Officer.

Other Registrable Interests in matters considered at meetings

20.(1) Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registrable

Commented [MB36]: To reflect terminology in the model code.

Commented [MB37]: Amendments to and expansion of the Council's Interests regime are suggested, to reflect the interests regime in the model code, as per Members' comments at the Standards Committee meeting on 4 March 2021.

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Commented [MB38]: Emboldened to highlight that the requirement to register these Other Interests does not cover partners' interests.

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 (4) Members involved in making a decision on particular business must always bear in mind the rules relating to bias and predetermination and must not participate in, or seek to influence, Council business where their interests (including those other than disclosable pecuniary interests of a type set out in Appendix 2) may prejudice, or appear to prejudice, their views

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Interests (ORI) (as set out in Appendix 2), you must disclose the interest to the meeting.

(2) You may speak on the matter only if members of the public are also allowed to speak on it but otherwise must not take part in any discussion or vote on the matter and must not remain in the room for that matter (unless you have been granted a dispensation). If it is a sensitive interest, you should declare that you have an interest but do not need to disclose the nature of it.

Non-Registrable Interests (NRI) in matters considered at meetings

21.(1) Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Appendix 1 or Other Registrable Interest set out in Appendix 2) or a financial interest or the well-being of a relative or close associate (of which you could reasonably be expected to be aware), you must disclose the interest to the meeting.

(2) You may speak on the matter only if members of the public are also allowed to speak on it. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room for that matter (unless you have been granted a dispensation). If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

22.(1) Where a matter arises at a meeting which affects:

- a) your own financial interest or well-being;
- b) a financial interest or the well-being of a relative or close associate (of which you could reasonably be expected to be aware); or
- c) a financial interest or the wellbeing of a body included under Other Registrable Interests as set out in Appendix 2 (of which you could reasonably be expected to be aware);

you must disclose the interest to the meeting (subject to the rules on sensitive interests). In order to determine whether you can remain in the meeting after disclosing your interest the following test in paragraph 22(2) should be considered.

(2) Where a matter (referred to in paragraph 22(1) above) affects the financial interest or wellbeing:

- a) to a greater extent than it affects the financial interests or wellbeing of the majority of inhabitants of the ward affected by the decision and;
- b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

Commented [MB40]: The model code includes the words "at the meeting" after 'speak' but we propose to add "on it" instead, as the model code wording may cause confusion if, for example, the public may speak at the meeting on another public item but not this item eg if it is being taken in private.

Commented [MB41]: The model code includes the words "unless you have been granted a dispensation" after 'not remain in the room' HOWEVER legally a dispensation can only be granted in relation to a DPI and not other sorts of interests, so it is not proposed that dispensations are referenced here.

Commented [MB42]: Dispensation provision added in following informal Executive meeting discussions on 25.1.22.

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Commented [MB43]: The model code only refers to DPIs – it is proposed to also refer to the ORIs in Appendix 2 for completeness.

Commented [MB44]: The words "of which you could reasonably be expected to be aware" are not included in the model code but are included as per Members' comments at the Standards Committee meeting on 4 March 2021.

Commented [MB45]: "To the meeting" not included in the model Code but included for clarity.

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Commented [MB46]: The model code includes the words "at the meeting" after 'speak' but it is proposed to delete them and add "on it" as they may cause confusion if, for example, the public may speak at the meeting on another public item but not this item eg if it is being taken in private.

Commented [MB47]: The model code includes the words "unless you have been granted a dispensation" after 'not remain in the room' HOWEVER legally a dispensation can only be granted in relation to a DPI and not other sorts of interests, so it is not proposed to reference a dispensation here.

Commented [MB48]: Dispensation provision added in following informal Executive meeting discussions on 25.1.22.

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Commented [MB49]: The words "of which you could reasonably be expected to be aware" are not included in the model code but are included as per Members' comments at the Standards Committee meeting on 4 March 2021.

Commented [MB50]: The words "of which you could reasonably be expected to be aware" are not included in the model code but are included as per Members' comments at the Standards Committee meeting on 4 March 2021.

Commented [MB51]: The words "(subject to the rules on sensitive interests)" are not in the model code in this part but are added for clarity.

Commented [MB52]: The words "or wellbeing" are not included in (a) in the model code but should be included given that the test specifically applies to both financial interests and wellbeing.

then you may speak on the matter only if members of the public are also allowed to speak on it, otherwise you must not take part in any discussion or vote on the matter and must not remain in the room for that matter (unless you have been granted a dispensation).

(3) Where the test in paragraph 22(2)(a) and (b) is not met, then you may speak and vote on the matter in the usual way.

Other Registrable and Non-Registrable Interests in matters considered by a single member

23.(1) Where:

- a) a function of a relevant authority may be discharged by a member of the authority acting alone;
- b) the member has an Other Registrable Interest or Non-Registrable Interest in any matter to be dealt with, or being dealt with, by the member in the course of discharging that function, and
- c) the member is aware that the condition in paragraph (b) is met;

if an Other Registrable Interest is not entered in the Council's Register and is not the subject of a pending notification, the member must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date when the member becomes aware that the condition in sub-paragraph (1)(b) is met in relation to the matter.

(2) The member must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the member).

Bias/Predetermination

24. Members involved in making a decision on particular business must always bear in mind the rules relating to bias and predetermination and must not participate in, or seek to influence, Council business where their interests (including those other than disclosable pecuniary interests of a type set out in Appendix 2) may prejudice, or appear to prejudice, their views.

If you are in any doubt as to whether you have an interest in a matter under the Code of Conduct, please seek advice from the Monitoring Officer.

Sensitive interests

25. (1) Sub-paragraphs (2) and (3) apply where:

- (a) you have an interest (whether or not a disclosable pecuniary interest); and

Commented [MB53]: The model code includes the words "at the meeting" after 'speak' but it is proposed to delete them and add "on it" as they may cause confusion if, for example, the public may speak at the meeting on another public item but not this item eg if it is being taken in private.

Commented [MB54]: The model code includes the words "unless you have been granted a dispensation" after 'not remain in the room' HOWEVER legally a dispensation can only be granted in relation to a DPI and not other sorts of interests, so it is not proposed to reference a dispensation here.

Commented [MB55]: Dispensation provision added in following informal Executive meeting discussions on 25.1.22.

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Commented [MB56]: This is not included in the model code but must be what is intended, as why otherwise would the model code state what it is included in paragraph 22(1) ie "...In order to determine whether you can remain in the meeting after disclosing your interest the following test in paragraph 22(2) should be considered..." So the alternative of not meeting the test must be that you can remain in the meeting. It is far from clear in the model code eg does it mean that if you don't meet the test that you can remain and vote or remain but not vote? Standards Committee Members felt provision should be included in the Council's Code that if the test is not met then a member can declare the interest and participate in the usual way, similar to under the old personal/prejudicial interests regime.

Commented [MB57]: Added this section for completeness, given that there is a section relating to single member decision making with a DPI.

Commented [MB58]: This paragraph was previously in the NYCC Code but has been given a discrete section as it applies to all types of interest.

Commented [MB59]: Added as a guidance point following discussion by Standards Committee Members at the informal meeting on 17 September 2021.

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- (b) the nature of the interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation.
- (2) If the interest is entered in the Register, copies of the Register that are made available for inspection, and any published version of the Register, must not include details of the interest (but may state that you have an interest the details of which are withheld under section 32(2) of the Localism Act 2011).
- (3) If paragraph 17(2) applies in relation to the interest, that provision is to be read as requiring you to disclose not the interest but merely the fact that you have a disclosable pecuniary interest in the matter concerned.

DISPENSATIONS FROM NON-PARTICIPATION

26. (1) The Council may, on a written request made to the Monitoring Officer by you, grant a dispensation (in accordance with the relevant statutory provisions and the provisions in this Code) relieving you from any or all of the restrictions in paragraphs 17(4), 20(2), 21(2) and 22(2) in cases described in the dispensation.
- (2) Paragraphs 17(4), 20(2), 21(2) and 22(2) do not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this section.

OFFENCES

- 27.(1) You commit a criminal offence if, without reasonable excuse, you:-
- (a) fail to comply with an obligation imposed on you by paragraph 16(1) or 17(2), (3) or (6);
 - (b) participate in any discussion or vote in contravention of paragraph 17(4); or
 - (c) take any steps in contravention of paragraph 17(7).
- (2) You commit an offence if under paragraph 16(1) or 17(2), (3) or (6) you provide information that is false or misleading and you:
- (a) know that the information is false or misleading; or
 - (b) are reckless as to whether the information is true and not misleading.

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Commented [MB60]: Dispensation provision expanded following informal Executive meeting discussions on 25.1.22, to expand dispensation regime to apply to all interests precluding full Member participation (not just DPs).

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Commented [MB61]: Amended to 'any or all' as para 17(4) now has three proposed restrictions (as it is proposed to add leaving the room).

Commented [MB62]: To keep cross reference accurate, as legally the dispensation provisions only apply to DPs.

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Commented [MB63]: Dispensation provision expanded following informal Executive meeting discussions on 25.1.22, to expand dispensation regime to apply to all interests precluding full Member participation (not just DPs).

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Commented [MB64]: Dispensation provision expanded following informal Executive meeting discussions on 25.1.22, to expand dispensation regime to apply to all interests precluding full Member participation (not just DPs).

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Commented [MB65]: This section has not been amended as in earlier provisions to reflect expanding the dispensation regime to cover all interests precluding Member participation (not just DPs) as the criminal offences only relate to the statutory DPs, not local chosen other interests.

Commented [MB66]: The amendments to this section 27 are to keep cross-references accurate,

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- (3) 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.

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

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APPENDIX 1

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 vacation	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 (corresponding provision in this Code is paragraph 14(1)(b)), 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.

APPENDIX 2

INTERESTS OTHER THAN DISCLOSABLE PECUNIARY INTERESTS

The interests other than disclosable pecuniary interests which are required by the Council to be registered in the Register of Members' Interests are set out below:

1. Unpaid directorships

2. Any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority

3. Any body:

- i. exercising functions of a public nature
- ii. directed to charitable purposes or
- iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union/professional association)

of which you are a member or in a position of general control or management

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~~<#> Membership of Trade Unions/Professional Associations¶~~

¶
In accordance with DCLG Guidance, Members are required to register, in the Register of Members' Interests, their membership of any trade union or professional association

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Commented [MB68]: Standards Committee Members debated whether this requirement should say "...of which you are a member or are in a position of general control or management..." (as per the model code), or whether it should say "...of which you are a member and in a position of general control or management..." to make it a narrower registration requirement. Standards Committee Members agreed on balance, taking into account likely public expectations and perceptions, it should be a wider registration requirement and therefore are recommending the wider model code wording.

Commented [MB69]: 'professional association' (not in model code) included as per previous DCLG guidance, so paragraph 1 can be covered here.

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Commented [MB70]: Standards Committee Members debated whether this requirement should say "...of which you are a member or in a position of general control or management..." (as per the model code), or whether it should say "...of which you are a member and in a position of general control or management..." to make it a narrower registration requirement. Standards Committee Members agreed on balance, taking into account likely public expectations and perceptions, it should be a wider registration requirement and therefore are recommending the wider model code wording.

GENERAL PRINCIPLES OF PUBLIC LIFE

Principle

Revised description

Preamble

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.

AIDE MEMOIRE RE PROPOSED NEW INTERESTS REGIME 2021

*SUBJECT TO the provisions on Sensitive Interests:

Interest	Covers	Register in Register of Interests?	Declare at meetings?	Speak?	Discuss and vote?	Able to apply for Dispensation?
Disclosable Pecuniary Interest (DPI) (self <u>and</u> partner)	Employment, office, trade, profession, vocation Sponsorship Contracts Land Licences Corporate tenancies Securities	Yes	Yes (existence and nature)* WHERE you have a DPI directly relating to any matter being considered at a meeting.	No leave the meeting room (subject to any dispensation)	No leave the meeting room (subject to any dispensation)	Yes (by law)
Other Registrable Interests (ORIs) (self only)	1. Unpaid directorships 2. Any body of which you are a member or are in a position of general control or management <u>and</u> to which you are nominated or appointed by your authority 3. Any body: <ul style="list-style-type: none"> i. exercising functions of a public nature ii. directed to charitable purposes or iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union/professional association) of which you are a member or in a position of general control or management.	Yes	Yes (existence and nature)* WHERE a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of the ORIs.	Yes IF the public can	No leave the meeting room	Yes (by local choice)

Interest	Covers	Register in Register of Interests?	Declare at meetings?	Speak?	Discuss and vote?	Able to apply for Dispensation?
Non-Registrable Interests (NRIs) (self and others)	Interests other than DPis and ORIs:- (i) which directly relate to the Member's financial interest or well-being, or that of a relative or close associate (of which the Member could reasonably be expected to be aware); (ii) which affect the Member's financial interest or well-being or that of a relative or close associate or of a body included under Other Registrable Interests (of which the Member could reasonably be expected to be aware).	No (by very nature)	Yes (existence and nature)*	Yes IF the public can	No leave the meeting room	Yes (by local choice)
		No (by very nature)	Yes (existence and nature)*	TEST: Where the matter affects the financial interest or wellbeing more than it affects that of the majority of inhabitants of the ward affected and a reasonable member of the public knowing all the facts would believe that it would affect the Member's view of the wider public interest, then can SPEAK if the public can , but must not take part in any discussion/vote and must leave room;	See Test No leave the meeting room	Yes (by local choice)
				Where the matter does <u>not</u> so affect the financial interest or wellbeing, then the Member may SPEAK AND VOTE in usual way.	Yes	N/A

LGA Guidance on Model Code interests' provisions – extracts

Disclosable Pecuniary Interests

... The Localism Act uses the phrase ... disclosable pecuniary interest **in any matter to be considered or being considered at the meeting** ...

This wording has led to some confusion as to what circumstances would lead to the need to declare a DPI. The Explanatory Notes to the Localism Act say that section 31 of the Act "requires a member of a relevant authority to disclose a disclosable pecuniary interest that they are aware of (apart from a sensitive interest), at a meeting or if acting alone, where any matter to be considered **relates to** their interest. ... It prohibits a member from participating in discussion or voting on any matter **relating to** their interest or, if acting alone, from taking any steps in relation to the matter (subject to any dispensations)." [our emphasis].

This means you have a Disclosable Pecuniary Interest (DPI) in a matter when the matter being discussed **directly relates** to your registered interest or that of your partner, rather than simply affecting it.

For example, if you have registered 1 Acacia Avenue as your address, you would have a DPI if you put in a planning application for 1 Acacia Avenue, or if the whole of Acacia Avenue was being considered for a Resident Parking Zone.

You would not have a DPI if 3 Acacia Avenue had put in a planning application as the matter does **not directly relate** to your registered interest. You may however have a non-registerable interest (see below) as the application may indirectly affect your property...

Does setting the Council Tax or precept give rise to a DPI?

The LGA is clear that you do not have a DPI simply if you are voting to set the Council Tax or precept. Guidance issued by the Government in 2013 made clear that 'any payment of, or liability to pay, council tax does not create a disclosable pecuniary interest as defined in the national rules; hence being a council tax payer does not mean that you need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support.'

The Council Tax and precept are charges on all relevant properties in the area and do not directly relate to any single property in such a way as to give rise to a DPI. Members are therefore fully entitled to vote on the matter (subject to rules about Council tax arrears).

Other registerable interests

... If you have an 'Other Registerable Interest' ... the Code says you should not participate in the relevant business in two circumstances:

1. when a matter directly relates to the finances or wellbeing of that interest... or
2. when a matter affects the finances or wellbeing of that interest to a greater extent than it affects the majority of inhabitants; and a reasonable member of the public would thereby believe that your view of the public interest would be affected...

An interest 'directly relates' to an outside body where the local authority is taking a decision which directly relates to the funding or wellbeing of that organisation

For example, under a) if you are a member of a group which has applied for funding from the local authority, or if you are a member of an organisation which has submitted a planning application, the decision directly relates to that organisation.

In such a case you must not take part in any discussion or vote on the matter. You can speak on the matter before withdrawing but only where the public are also allowed to address the meeting. For example, you may want to put forward the organisation's case as to why it has applied for funding, but representatives from competing organisations would also need to be able to make their case.

If the public are not allowed to address the meeting on that item, you would need, if necessary, to get another councillor who did not have an ORI to make any relevant case.

If the local authority is simply discussing that outside organisation but not making a decision which relates to its finances or wellbeing – for example discussing the annual report from the organisation – that does not directly relate to the organisation as there is no direct impact on the organisation which would give rise to a conflict of interest.

Under b) if you are on the committee of the local village hall and an application for a licence for another venue in the village is made which may take trade away from the village hall then the matter would affect the village hall and a reasonable person would believe that would affect your view of the public interest so those two tests are met.

You would not have an interest if the local authority was discussing early planning for an event, which may or may not be held in the village hall as there would be no direct financial impact at that time. When the plans crystallised then an interest would arise as a decision would be made which would have financial implications.

There will also be circumstances where you do not need to declare an interest even though the matter may be relevant to the wider aims of an organisation of which you are a member. For example, if you are a member of a charity such as the Royal Society for the Protection of Birds (RSPB), you do not need to declare an interest every time the local authority might discuss matters relating to habitats or conservation issues. Those issues may reflect the wider aims of RSPB, but they do not directly relate to or affect the organisation and your mere membership of the organisation has no bearing on the matter.

If you were in a position of control or general management in that body and the organisation was campaigning actively on the specific issue being discussed or you personally were campaigning actively on that specific issue the situation would be different. In those circumstances you may have an interest and there is a risk of predetermination. Where there is doubt you should always seek advice from the monitoring officer ...

As with DPIs you can be granted a dispensation (see below) and if the interest has not been registered or notified to the monitoring officer you should do so within 28 days of the meeting.

Non-registerable interest

*... A **Non-registerable Interest** arises where the interest is that of yourself or your partner which is not a DPI or of a relative or close associate (see definition below).*

As a councillor you are not expected to have to register the interests of your relatives or close associates but under the Code you are expected to declare them as and when relevant business occurs which affects their finances or wellbeing. The Code says you should not participate in the relevant business in two circumstances:

- **a.** when a matter directly relates to that interest. Or
- **b.** when a matter affects that interest to a greater extent than it affects the majority of inhabitants and

- a reasonable member of the public would thereby believe that your view of the public interest would be affected

For example, under a) if your son has submitted an application for a licence to open a bar, the matter directly relates to your relative. You must not take part in any discussion or vote on the matter.

For example, under b) there has been an application made to build several units of housing on a field adjacent to your business partner's home. It is not their application, but they will be more affected by the application than the majority of people so again you would be expected to declare the interest and withdraw.

Similarly, an application for the property next door to you does not directly relate to your property so it is not a DPI, but you would instead need to declare a Non-Registerable Interest.

In all of these cases you can speak on the matter before withdrawing but only where the public are also allowed to address the meeting. If the public are not allowed to address the meeting on that item, you would need if necessary, to get another councillor who did not have an NRI to make any relevant case or to represent the wider views of constituents.

As with DPIs you can be granted a dispensation (see below).

What is the difference between 'relates to' and 'affects'?

Something relates to your interest if it is directly about it. For example, the matter being discussed is an application about a particular property in which you or somebody associated with you or an outside body you have registered has a financial interest.

'Affects' means the matter is not directly about that interest but nevertheless the matter has clear implications for the interest – for example, it is a planning application for a neighbouring property which will result in it overshadowing your property. An interest can of course affect you, your family or close personal associates positively and negatively. So, if you or they have the potential to gain or lose from a matter under consideration, an interest would need to be declared in both situations.

What does "affecting well-being" mean?

The term 'well-being' can be described as a condition of contentedness and happiness. Anything that could affect your quality of life or that of someone you are closely associated with, either positively or negatively, is likely to affect your well-being. There may, for example, be circumstances where any financial impact of a decision may be minimal but nevertheless the disruption it may cause to you or those close to you could be significant. This could be on either a temporary or permanent basis. Temporary roadworks in your street may affect your wellbeing on a temporary basis. Closure of a local amenity may have a more permanent impact on your wellbeing if you use it more than the majority of people in the area.

What are the definitions of relative or close associate?

The Code does not attempt to define "relative" or "close associate", as all families vary. Some people may have very close extended families, but others will have more distant relations. You should consider the nature of your relationship with the person (eg whether they are a close family member or more distant relation). The key test is whether the interest might be objectively regarded by a member of the public, acting reasonably, as potentially affecting your responsibilities as a councillor. It would be a person with whom you are in either regular or irregular contact with over a period of time who is more than an acquaintance. It is someone a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects them. It may be a friend, a colleague, a business

associate or someone whom you know through general social contacts. A close associate may also be somebody to whom you are known to show animosity as you might equally be viewed as willing to treat them differently.

...

Dispensations

Wherever you have an interest the code allows you to apply for a dispensation. The Localism Act sets out arrangements for applying for a dispensation where you have a DPI but is silent about dispensations for other types of interest as they are not statutory interests. A similar process should however be set out in your constitution or Dispensation Policy for ORIs and NRIs.

A dispensation must be applied for in writing to the 'Proper Officer' (the monitoring officer or, in the case of a parish council, the clerk) in good time before the relevant meeting and will be considered according to the local authority's scheme of delegation for considering a dispensation. The circumstances whereby a dispensation may be granted are where –

- 1. It is considered that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business.*
- 2. It is considered that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.*
- 3. That the authority considers that the dispensation is in the interests of persons living in the authority's area.*
- 4. That the authority considers that it is otherwise appropriate to grant a dispensation.*