

**RYEDALE
DISTRICT
COUNCIL**



**MEMBERS' CODE OF CONDUCT
WITH GENERAL PRINCIPLES OF LOCAL GOVERNMENT**

**WITH EFFECT FROM
1 JULY 2012**

**Ryedale District Council
Ryedale House
MALTON
North Yorkshire
YO17 7HH**

CONTENTS

- 1. Introduction**
- 2. General Principles of Local Government**
- 3. Members' Code of Conduct**

Version	Author	Date	Comments
1	Anthony Winship	July 2007	
2	Anthony Winship	June 2008	Local Assessment Changes
3	Anthony Winship	May 2012	Localism Act 2011 Changes

RYEDALE DISTRICT Council
LOCALISM ACT 2011 – CHAPTER 7 OF PART I
CODE OF CONDUCT FOR COUNCILLORS
WITH GENERAL PRINCIPLES OF LOCAL GOVERNMENT
EFFECTIVE FROM 1 JULY 2012

**[Adopted by resolution at a Meeting of Ryedale District Council held on
19 May 2012]**

INTRODUCTION

The District Council adopted its first Code of Conduct in accordance with section 51 of the Local Government Act 2000 on 10 January 2002.

The new code was adopted pursuant to Section 27 of the Localism Act 2011 by a Council Meeting on 19 May 2012 with effect from 1 July 2012.

Principles and Outcomes

The Code of Conduct is a principles based, outcomes focussed Code of Conduct which is in the following three parts:-

- (i) Part 1 - Principles at page 5
- (ii) Part 2 - The outcomes the principles seek to achieve at page 6
- (iii) Part 3 - Interests at page 7

The Code of Conduct sets out seven mandatory principles which apply to Member conduct. They originate from the Seven Principles of Public Life (the 7 Nolan principles) that Lord Nolan included in his report called “*Standards in Public Life*” published in July 1997. They are the key ethical requirements for Members and co-opted Members who are involved in Local Government. Members and co-opted Members must abide by these principles and use them as their starting point when faced with an ethical dilemma. Where two or more of these principles come into conflict then the principle which takes precedence is the one which best serves the public interest in the particular circumstance, especially the public interest in the proper administration of Local Government.

Outcomes are mandatory and achieving them should help to ensure compliance with the Principles.

Absent from the Code of Conduct are the ‘indicative behaviours’ that are required to produce the outcomes. However, many ‘indicative behaviours’ are already incorporated in the Council’s existing documentation, for example, dealing with member-officer relations, use of Council resources, information management, protocol on the disclosure of confidential information, standing orders, and the Planning Code of Practice etc.

To whom does it apply?

It applies to both Members who are councillors and to co-opted members of committees or sub-committees of the District Council.

This Code of Conduct is expressed in the first person to make explicit the personal responsibility that each individual Member has to comply with the provisions of the Code of Conduct.

The Purpose of the Code

The Code defines the standards of conduct which will be required of Members of the District Council in carrying out their duties, and in their relationships with the District Council and the District Council's officers. The Code represents the standards against which the public, their fellow members, the Local Government Ombudsman and the Council's Overview and Scrutiny Committee meeting as a Corporate Governance Committee will judge their conduct.

Raising Concerns

If any person has a complaint or concern about the conduct of a Member of the Council in relation to the Code of Conduct, s/he can submit a complaint using our complaint form ***Complaint Form: Code of Conduct for Members***. Before completing the complaint form you are advised to read the notes ***Code of Conduct for Members: Information for Potential Complainants***.

Both these documents may be seen on the Council's web site. Alternatively copies of these documents are available direct from Legal Services on (01653) 600666 extension 255 or via e-mail at legal@ryedale.gov.uk

The purpose of the General Principles

The general principles underpin the Code of Conduct for Members and are included as a preamble for completeness.

[The Council's Overview and Scrutiny Committee \(meeting as a Corporate Governance Committee\)](#)

Responsibility for discharging the District Council's duty to promote and maintain high standards of conduct has been delegated to the Overview and Scrutiny Committee.

The Overview and Scrutiny Committee for the District Council is the Overview and Scrutiny Committee (meeting as a Corporate Governance Committee) appointed by the District Council. It comprises nine elected Members. Two Independent persons are available to advise.

Further details about the Committee can be obtained from:-

Head of Corporate Governance
Ryedale District Council
Ryedale House
Malton
North Yorkshire
YO17 7HH

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MEMBERS' CODE OF CONDUCT

Preamble

General Principles of Local Government Conduct

These are the General Principles of Local Government Conduct that have been approved by Parliament and underpin the Code of Conduct for Councillors.

Background

1. Under section 28 of the Localism Act 2011, Parliament has specified the principles which are to govern the conduct of councillors and voting co-optees.
2. The code of conduct for councillors and voting co-optees must be consistent with these principles.
3. Members must take account of these principles. The Hearing Panel established to deal with complaints, the Local Government Ombudsman and the Courts may have regard to these principles when dealing with complaints against Members or scrutinising the procedures or decisions of the Council and its Committees.

Application

This Code of Conduct applies to you whenever you are acting in your capacity as a member of Ryedale District Council, including –

- 1.1 At formal meetings of the Council, its Committees and Sub-Committees
- 1.2 When acting as a representative of the authority
- 1.3 In discharging your functions as a Ward Councillor
- 1.4 At briefing meetings with officers and
- 1.5 At site visits
- 1.6 When corresponding with the authority other than in a private capacity

PART 1 - PRINCIPLES

As a member or co-opted member of Ryedale District Council I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority:-

SELFLESSNESS

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP

Holders of public office should promote and support these principles by leadership and example.

PART 2 - OUTCOMES

As a Member of Ryedale District Council, my conduct will in particular address the statutory principles of the code of conduct by:

- **Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me - and putting their interests first.**
- **Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.**
- **Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the District or the good governance of the authority in a proper manner.**
- **Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.**
- **Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.**

- **Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.**
- **Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it.**
- **Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.**
- **Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.**
- **Always treating people with respect, including the organisations and public I engage with and those I work alongside.**
- **Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.**

PART 3 - INTERESTS

Summary

Part 3 comprises the following three sections:-

- (i) Part A – Disclosable Pecuniary Interests
- (ii) Part B – Disclosable Other Personal Interests
- (iii) Part C – Gifts and Hospitality

The Act further provides for the registration and disclosure of interests and in Ryedale District Council this will be done as follows:

Registering and Declaring Pecuniary and Non-Pecuniary Interests

You must, within 28 days of taking office as a member or co-opted member, notify your authority's Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's Monitoring Officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.

If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.¹

¹ A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the

Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or other personal interests as defined by your authority. 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 or other personal interest is being discussed.

PART A – DISCLOSABLE PECUNIARY INTERESTS

Part A explains the requirements of the Localism Act 2011 (Ss 29-34) and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, in relation to disclosable pecuniary interests. These provisions are enforced by criminal sanction. They come into force on 1 July 2012.

1 Notification of Disclosable Pecuniary Interests

Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'. These are listed in the attached Appendix.

2 Register of Interests

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection and will be published on the authority's website.

3 Sensitive Interests

Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.

4 Non participation in case of Disclosable Pecuniary Interest

If you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting.

1. You may not participate in any discussion of the matter at the meeting.
2. You may not participate in any vote taken on the matter at the meeting.

authority's Monitoring Officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

3. If the interest is not registered, you must disclose the interest to the meeting.
4. If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Note: In addition, Standing Order 39 requires you to leave the room where the meeting is held while any discussion or voting takes place.

5 Dispensations

The authority may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

6 Offences

It is a criminal offence to:

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting

The criminal penalties available to a court are to impose a fine not exceeding level 5 (currently £5,000) on the standard scale and disqualification from being a councillor for up to 5 years.

PART B – DISCLOSABLE OTHER PERSONAL INTERESTS

Part B relates to the Disclosure of other Personal Interests. The layout follows the Localism Act layout ie notification, disclosure, register, sensitive interests, non participation.

Interests

1 Notification of Interests

- (1) You must, within 28 days of—
 - (a) this Code being adopted by or applied to your authority; or
 - (b) your election or appointment to office (where that is later), notify the Monitoring Officer in writing of the details of your disclosable pecuniary interests that are notifiable under the Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012, for inclusion in the register of interests, and notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the following descriptions, for inclusion in the register of interests.
- (2) You have a personal interest in any business of your authority where either—

- (a) it relates to or is likely to affect—
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management.
 - (iii) any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
- (3) You must, within 28 days of becoming aware of any new interest or change to any interest registered under paragraph (1), or as a disclosable pecuniary interest notify the Monitoring Officer of the details of that new interest or change.

2 Disclosure of Interests

(1) Subject to sub-paragraphs (2) to (5), where you have a personal interest described in paragraph 1 above or in paragraph (2) below in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) (A) You have a personal interest in any business of your authority

- (i) where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a *relevant person* to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision, or
- (ii) it relates to or is likely to affect any of the interests you have registered as a disclosable pecuniary interest.

(B) In sub-paragraph (2)(A), a *relevant person* is—

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in paragraph 1(2)(a)(i) or (ii).

(3) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 1(2)(a)(i) or 1(2)(a)(ii)(aa), you need

only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(4) Where you have a personal interest but, by virtue of paragraph 4, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

Note:

- (a) "A member of your family" means: your partner (ie your spouse, civil partner or anyone with whom you live in a similar capacity); your parent or parent-in-law; any child, stepchild or sibling of you or your partner, your grandparent, grandchild, aunt, uncle, nephew or niece; and the partners of any of those people.
- (b) You have a "close association" with someone if your relationship is such that a reasonable member of the public might think you would be prepared to favour or disadvantage that person when deciding a matter which affects them).

3 Register of Interests

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection and will be published on the authority's website.

4 Sensitive Interests

Where you consider that disclosure of the details an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

5 Non participation in case of Pecuniary Interest

(1) Where you have a personal interest in any business of your authority you also have a pecuniary interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business—

- (a) affects your financial position or the financial position of a person or body described in paragraph 1(2); or
- (b) relates to or affects the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 1(2) or 2(2) above.

(2) Subject to paragraph (3) and (4), where you have a pecuniary interest in any business of your authority—

- (a) You may not participate in any discussion of the matter at the meeting.
- (b) You may not participate in any vote taken on the matter at the meeting.

(c) If the interest is not registered, you must disclose the interest to the meeting.

(d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Note: In addition Standing Order 39 requires you to leave the room where the meeting is held while any discussion or voting takes place.

(3) Where you have a pecuniary interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

(4) Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a pecuniary interest that relates to the functions of your authority in respect of—

- (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
- (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

6 Interests arising in relation to Overview and Scrutiny Committees

In any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

- (a) that business relates to a decision made (whether implemented or not) or action taken by the executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

You may only attend a meeting of the overview and scrutiny committee for the purpose of answering questions or giving evidence relating to the business, and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

PART C – GIFTS AND HOSPITALITY

You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a member from any person or body other than the authority.

The Monitoring Officer will place your notification on a public register of gifts and hospitality.

This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.

Disclosable Pecuniary Interests

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

A 'Disclosable Pecuniary Interest' is an interest of yourself or your partner (which means spouse or civil partner, 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) within the descriptions described below.

Disclosable Pecuniary Interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows:-

(In the extracts from the Regulations below, 'M' means you and 'relevant person' means you and your partner, as above).

<i>Interest</i>	<i>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 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.

These descriptions on interests are subject to the following definitions:

“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 the person M referred to in section 30 of the Act;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Act;

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

“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.