



Mansfield District Council

Creating a District where People can Succeed

MEMBERS CODE OF CONDUCT

Introduction

This Code applies to you as a member of this authority when you act in your role as a member and it is your responsibility to comply with the provisions of this Code.

You are a representative of this authority and the public will view you as such therefore your actions impact on how the authority as a whole is viewed and your action can have both positive and negative impacts on the authority.

This Code is based upon the "Nolan Principles - the seven principles of public life" which are included at Appendix 1.

Interpretation

In this Code

"meeting" means any meeting of-

(a) the authority;

b) the executive of the authority;

c) any of the authority's or its executive's committees, sub-committees, joint committees, joint subcommittees, or area committees;

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members

'member' includes the elected Mayor, a co-opted member, an elected or appointed member.

General Obligations

1. When acting in your role as a member of the authority

1.1 **Do** treat others with respect

1.2 **Do not** conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of

conduct by members.

- 1.3 **Do not** bully any person
- 1.4 **Do not** intimidate or attempt to intimidate any person who is or is likely to be:-
 - (a) a complainant
 - (b) a witness
 - (c) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's Code of Conduct or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
- 1.5 **Do not** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:- ,
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are 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-
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the authority; and
 - (c) you have consulted the Monitoring Officer prior to its release; or
- 1.6 **Do not** prevent another person from gaining access to information to which that person is entitled by law.
- 1.7 **Do not** conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
- 1.8 **Do not** improperly use knowledge gained solely as a result of your role as a member for the advancement of yourself, your friends, your family members, your employer or your business interests.

When using or authorising the use by others of the resources of the authority-

- 1.9 **Do** act in accordance with the authority's reasonable requirements including the requirements of the authority's Email Protocol, Mobile and Landline Communications Protocol, ICT Password Protocol and Security Protocol and the policies listed at Appendix 2, copies of which have been provided to you and which you are deemed to have read;
- 1.10 **Do** make sure that such resources are not used improperly for political purposes (including party political purposes); and
- 1.11 **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

2 Interests

As a public figure, your public role, may, at times, overlap with your personal and/or professional life and interests, however, when performing your public role as a member, **do** act solely in terms of the public interest and **do not** act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests.

3 Disclosable Pecuniary Interests

You must –

- 3.1 comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest
- 3.2 ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any changes in respect of your disclosable pecuniary interests
- 3.3 make verbal declarations of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item business or as soon as the interest becomes apparent
- 3.4 “Meeting” means any meeting organised by or on behalf of the authority, including-
 - 3.41 any meeting of the Council, or a Committee or a Sub-Committee of the Council
 - 3.42 any meeting of the Executive and any Committee of the Executive
 - 3.43 in taking a decision as a Ward Councillor or as a Member of the Executive

- 3.44 at any briefing by officers;
- 3.45 at any site visit to do with the business of the authority

4 Other Interests

- 4.1 In addition to the requirement of Paragraph 3, if you attend a meeting at which any item of business is to be considered and you are aware that you have a “non disclosable pecuniary interest or a non-pecuniary interest” in that item, you must make a verbal declaration of the existence and nature of that interest at or before the consideration of the item or as soon as the interest becomes apparent
- 4.2 You have a “non - disclosable pecuniary interest or non-pecuniary interest” in an item of business of your authority where –
 - 4.2.1 a decision in relation to that business might reasonably be regarded as affecting the wellbeing or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority’s administrative area, or
 - 4.2.2 it relates to or is likely to affect any interests listed in the Table in Appendix 3 to this Code, but in respect of a member of your family (other than a “relevant person” or a person with whom you have a close association.and that interest is not a disclosable pecuniary interest.

5 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.

Within 28 days of this Code being adopted by the Council, or the member’s election or the co-opted member’s appointment (where that is later), he/she shall register all interests which fall within the category of Disclosable Pecuniary Interests.

Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register any interests within the category of Disclosable Pecuniary Interests.

6 Sensitive interests

Where you consider that disclosure of the details of 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.

7 Non participation in case of disclosable 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 4.2.1 ;or
- (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph.

(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.
- (e) Leave the room where the meeting is held while any discussion or voting takes place on that matter.

(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.

(5) Where, as an executive member, you may discharge a function alone, and you become aware of a pecuniary interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

8. Gifts and Hospitality

Members are required to declare to the Monitoring Officer and register any gifts and hospitality accepted in excess of £50.00 (Fifty Pounds). Members are required to declare gifts/hospitality over this amount but which were declined.

9. Disclosure and Participation

The Regulations detailing the precise nature and circumstances where a specified pecuniary interest must be disclosed are set out in Appendix 3 of this document.

Section 30 of the Localism Act 2011 provides that a member or co-opted member of a local authority and certain other authorities, on taking office, must notify the authority's monitoring officer of any disclosable pecuniary interest which that person has at the time of notification. These Regulations specify what is a pecuniary interest. Section 30(3) sets out the circumstances in which such an interest is a disclosable interest.

10 Pre determination or bias

Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as member, however, **Do not** place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

When making a decision, **Do** consider the matter with an open mind and on the contents before the meeting at which the decision is to be taken. When reaching decisions on any matter, you must have regard to any relevant advice provided to you by:-

- (a) your authority's Section 151 Officer
- (b) your authority's Monitoring Officer

Where that officer is acting pursuant to his or her statutory duties

11 Interests arising in relation to Overview and Scrutiny Committees

In any business before an overview and scrutiny committee of the 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 the 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 (a) above 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.

THE PRINCIPLES OF PUBLIC LIFE

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.

PERSONAL JUDGEMENT

Holders of public office may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

RESPECT FOR OTHERS

Holders of public office should promote equality by not discriminating against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees

DUTY TO UPHOLD THE LAW

Holders of public office should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them

STEWARDSHIP

Holders of public office should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.

Appendix 2

List of Policy Documents provided to Members in connection with Code of Conduct

Email Protocol
Mobile and Landline Communications Protocol
ICT Password Protocol
Security Protocol
Equality and Diversity Policy
Hate Crime Policy
Protocol of Member/Employee/Partner Relations
Corporate Values
Safeguarding Children and Vulnerable Adults

Appendix 3

SCHEDULE OF DISCLOSABLE PECUNIARY INTERESTS

The duties to register and not 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.

Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any “disclosable pecuniary interests” These provisions are enforced by criminal sanction. They come into force on 1 July 2012.

A “disclosable pecuniary interest” is an interest of yourself, your partner (which means a 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 following descriptions:

(In the extract from the Regulations below “M” means you and “relevant person” means you and your partner, as above)

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

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(1).
Contracts	Any contract which is made between the relevant person (or a body in

(1) 1992 c. 52.

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.