CODE OF CONDUCT FOR MEMBERS OF NORTH YORKSHIRE 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 Council. This Code also applies to any person appointed as a co-opted member with voting rights on any Committee of the Council when acting in their official capacity 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 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 and Governance Committee, consisting of members of the Council, assisted by Independent Persons for Standards, to oversee the Council's ethical framework.

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 treat 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 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.

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.

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**

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,

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.

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:

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

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

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;

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

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.

INTERESTS

Disclosable Pecuniary Interests (DPI)

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.

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 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;

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.

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 Registerable 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

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
(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.

(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.**

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

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

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.