

# **CODE OF CONDUCT FOR MEMBERS OF THE CITY OF YORK COUNCIL**

## **1. Introduction**

- 1.1 This Code sets out the standards of behaviour required of you whenever you are acting as a Councillor of the City of York Council. This Code also applies to any person appointed as a co-opted member of the City Council or any of its Committees when acting as such.
- 1.2 The Code has been adopted by the City Council and is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

## **2. Definitions**

### **2.1 In this Code:**

You are acting as a Councillor or action as a co-opted Member only when conducting the business of the Council or acting, claiming to act or giving the impression that you are acting as a representative of the Council.

- 2.2 A “co-opted member”, is 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 is entitled to vote at any meeting of that committee or sub committee
- 2.3 “meeting “ means a meeting of the Council or of any committee, sub-committee, joint committee or joint sub-committee of the authority or of the Cabinet or any committee of the Cabinet

- 2.4 A “sensitive interest” is one 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

### **3. General Duties**

- 3.1 You must treat others with respect.
- 3.2 You must not do anything which may cause the Council to breach any equality enactment.
- 3.3 You must not bully or intimidate any person, or attempt to bully or intimidate them.
- 3.4 You must not do anything which compromises the impartiality of anyone who works for or on behalf of the Authority, or do anything that is likely to compromise their impartiality.
- 3.5 You must not disclose information which is confidential, unless:
- a) You have the permission of a person authorised to give it; or
  - b) You are required by law to disclose the information; or
  - c) 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
  - d) The disclosure is reasonable; and is in the public interest; and is made in good faith; and is only made after having consulted the Monitoring Officer and/or the Chief Executive and you having given due consideration to their advice.
- 3.6 You must not prevent another person gaining access to information which that person is entitled by law.

- 3.7 You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council into disrepute, or your position as a Councillor into disrepute.
- 3.8 You must not use your position as a Councillor improperly to obtain any advantage or disadvantage for yourself or any other person, or attempt to do so.
- 3.9 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.
- 3.10 When you use or authorise the use by others of the resources the Council you must:
- a) abide by the Council's reasonable requirements; and
  - b) ensure that such resources are not used improperly for political purposes (including party political purposes); and
  - c) have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 3.11 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.

## **INTERESTS**

### **4. Disclosable Personal Interests**

#### ***Registration of disclosable pecuniary interests***

- 4.1 Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'. These will be included in the register of interests which is published on the Council's website

### ***Definition of disclosable personal interests***

- 4.2 A 'disclosable pecuniary interest' is an interest of a kind described in the first schedule to this Code. An interest is disclosable if the interests of yours or of your partner. Your partner 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.

### ***Non participation at meetings in case of disclosable pecuniary interest***

- 4.4 If you are present at a meeting and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting,
- 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 Orders require you to leave the room where the meeting is held while any discussion or voting takes place.

### ***Non participation in individual executive decision making in case of disclosable pecuniary interest***

- 4.5 Where a Cabinet member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the Cabinet member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

## **Other Interests**

### **5. Notification of interests**

- 5.1 In addition to the disclosable pecuniary interests you must, notify the Monitoring Officer of any interests you have of a kind described in the second schedule. You must make that notification within 28 days of this Code coming into effect or of you becoming a Member or co-opted Member if that is later.
- 5.2 You must notify the Monitoring Officer of any changes to these interests or of any new interests within 28 days of becoming aware of them.

### **6. Disclosure of personal interests**

- 6.1 You have a personal interest in any business of your authority where it relates to or is likely to affect a body named in the second schedule or any person with whom you have a close association.
- 6.2 If you are present at a meeting and you have a personal interest in any matter to be considered or being considered at the meeting:
  - a) If the interest is not registered, you must disclose the interest to the meeting.
  - b) 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.

### **7. Sensitive interests**

- 7.1 If you have a sensitive interest which 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.

7.2 If you are required to declare a sensitive interest at a meeting you need only declare the fact of the interest and not the details of the interest itself.

## 8. Compliance with Standing Orders

8.1 Standing Orders may require you to leave the meeting room when you have a personal interest. You must comply with any such Standing Order.

### First Schedule – Interests which are disclosable personal interests

<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	<p>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 the you in carrying out duties as a member, or towards your election expenses .</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
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 your 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 your 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” includes 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;

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

“relevant person” means you or any your partner as defined in paragraph 4.2

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.

### **Second Schedule – other interests**

1. Any body [other than one to which you have been appointed by the Council] 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;



2. Any body [other than one to which you have been appointed by the Council] —

(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;

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