



**PART 5**

**CODES AND PROTOCOLS**

## 5.1 PART 5.1 — MEMBERS' CODE OF CONDUCT

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### 5.1 – 1 PRINCIPLES OF CONDUCT

**5.1 – 1.1** As a Member or co-opted Member of Amber Valley Borough Council ('the Authority') I have a responsibility to represent the community and work constructively with the Authority's Officers and partner organisations to secure better social, economic and environmental outcomes for the community.

**5.1 – 1.2** In accordance with the provisions of the Localism Act 2011, when acting in this capacity as a Member or co-opted Member of the Authority, I am committed to behaving in a manner that is consistent with the following principles known as the 'Seven Principles of Public Life' (or otherwise called 'the Nolan Principles') to promote and maintain high standards of conduct and public confidence in this Authority and more generally in the democratic way of life:

- **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 make decisions in order to gain financial or other material benefits for 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

In addition, I am committed to the following principle:-

- **BULLYING AND HARASSMENT**

Holders of public office must treat others with respect and must not pursue a course of conduct which amounts to bullying or harassment

## **5.1 – 2 DISCLOSABLE PECUNIARY INTERESTS**

### **5.1 – 2.1 I SHALL:**

**5.1 – 2.1.1** Comply with the statutory requirements and also the local requirements which are to notify, register, disclose and withdraw from participating in respect of any matter in which I (or my spouse, civil partner or person with whom I am living together as a couple) have a Disclosable Pecuniary Interest (as defined by law – see [Schedule 1](#)).

**5.1 – 2.1.2** Ensure that my register of interests is submitted to the Monitoring Officer within 28 calendar days of my election or appointment or the Code being applied and ensure that such register is kept up to date (irrespective of whether or not any reminders have been sent to me)

and I shall notify the Monitoring Officer in writing within 28 calendar days of becoming aware of any change in respect of my (or my spouse's, civil partner's or person with whom I am living together as a couple's) Disclosable Pecuniary Interests.

**5.1 – 2.1.3** Make verbal declaration of the existence and nature of any Disclosable Pecuniary Interest at any meeting at which I am present at which, or when as a single member I am exercising alone a function relating to, 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 of business or as soon as the interest becomes apparent (unless the interest is a sensitive interest as defined in section 32 of the Localism Act 2011) in which event there is no need to disclose the nature of the interest).

**5.1 – 2.1.4** Not vote on any matter which may affect the calculation of the Council Tax, any limitation of it, its administration or related penalties or enforcement if I am two or more months in arrears with a Council Tax payment.

## **5.1 – 2.2 MEETING MEANS ANY MEETING ORGANISED BY OR ON BEHALF OF THE AUTHORITY**

- Any meeting of the Authority, Council, Cabinet or a Committee or Sub-Committee of the Council or Cabinet,
- Any briefing by Officers and
- Any site visit to do with business of the Authority

## **5.1 –3 OTHER INTERESTS**

**5.1 – 3.1** In addition to the requirements of Paragraph 5.1 – 2, if I attend a meeting at which any item of business is to be considered and I am aware that I have a 'non-disclosable pecuniary interest' or 'personal interest' in that item, I shall make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.

**5.1 – 3.2** I have a 'non-disclosable pecuniary interest' or 'personal interest' in an item of business of my Authority where:

**5.1 – 3.2.1** A decision in relation to that business might reasonably be regarded as affecting the well being or financial standing of me or a Member of my family or a person with whom I 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 for which I have been elected or otherwise of the Authority's administrative area.

**5.1 – 3.2.2** It relates to or is likely to affect any of the interests listed in the table in [Schedule 1](#) to this Code, but in respect of a Member of my family (other than my spouse, civil partner or person with whom I am living as spouse or civil partner) or a person with whom I have a close association and that interest is not a Disclosable Pecuniary Interest.

**5.1 – 3.3** If I have a 'non-disclosable pecuniary interest' or 'personal interest' as defined in Paragraph 5.1 – 3.2 above and that interest is one which a Member of the public with knowledge of the facts would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest, I shall when present at a meeting, disclose the interest and leave the room prior to the discussion and voting on the item as required under the Council's Rules of Procedure.

**5.1 – 3.4 EXAMPLES OF THE TYPE OF INTEREST IN PARAGRAPH 5.1 – 3.3**

- Such matters affecting my financial position (excluding Members' allowances/indemnity, the setting of Council Tax or civic award) or other persons or bodies with which I have a close association (e.g. considering an application for a grant relating to a body or another Authority of which I am a Member or otherwise have an interest)
- Such matters relating to the determining of any regulatory matters and particularly planning and licensing applications
- Other circumstances defined in documents approved by the Authority.

**5.1 – 3.5** When deciding whether I have an interest in a matter, I shall have regard to any advice or best practice issued by the Monitoring Officer in reaching my decision.

**5.1 – 3.6** I shall comply with the local requirement which is, within 28 days of accepting any position of responsibility, whether or not being on a management committee or officer, on any and all bodies:

- (i) to which I am appointed or nominated by the Authority;

- (ii) which exercises functions of a public nature;
- (iii) which is directed to charitable purposes; or
- (iv) whose principal purposes include the influence of public opinion or policy including any political party or trade union.

to notify in writing the Monitoring Officer of, and ensure entry on, my register of interests.

**5.1 – 3.7** Within 28 days of any change to those interests which I am required to notify in paragraph 5.1 – 3.6 above, I shall notify in writing the Monitoring Officer, and ensure entry on my register of interests, of such change.

#### **5.1 – 4 LOCAL REQUIREMENTS RELATING TO BOTH DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS**

##### **5.1 – 4.1 I SHALL:**

**5.1 – 4.1.1** Under the Council's best practice policy or similar policy, seek advice from the Officers, where needed, on matters relating to my interests and where the interest relates to a meeting, this shall be done by no later than 5.00pm two working days before the meeting.

**5.1 – 4.1.2** Prior to the start of a meeting, or if exercising a function alone, record in writing on the form provided any relevant interest I have and record whether I intend to remain in the meeting or leave or, in the case of exercising a function alone, whether I intend to proceed to consider exercising that function..

#### **5.1 – 5 GENERAL CONDUCT**

As a Member of Amber Valley Borough Council, my conduct will in particular address the statutory principles and additional principles set out and incorporated in this Code of Conduct by:

**5.1 – 5.1** Championing the needs of residents and other members of the public — the whole community and in a special way my constituents, including those who did not vote for me — and putting their interests first where the public interest so requires.

**5.1 – 5.2** Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.

- 5.1 – 5.3** 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 Borough or the good governance of the Authority in a proper manner.
- 5.1 – 5.4** 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.
- 5.1 – 5.5** 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 subject to law.
- 5.1 – 5.6** Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- 5.1 – 5.7** Contributing to making this Authority's decision-making processes as open and transparent as possible to enable residents and other members of the public 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.
- 5.1 – 5.8** Behaving in accordance with all legal obligations, alongside any requirements contained within this Authority's policies, protocols and procedures, including on the use of the Authority's resources.
- 5.1 – 5.9** Valuing my colleagues and Officers of the Authority and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good and effective local government.
- 5.1 – 5.10** Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- 5.1 – 5.11** 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.

## **5.1 – 6 ADDITIONAL LOCAL REQUIREMENTS**

**5.1 – 6.1** I shall conduct myself in accordance with the requirements set out in the following documents, copies of which are available on the Members' Section of the Council's website:

- Protocol on the Use of Council Resources
- [Code of Planning Conduct and Practice](#)
- Bullying and harassment policy
- Protocol on Member/Officer Relations
- Member/Officer relations — what Councillors can expect from Officers and what Officers can expect from Councillors (see [Appendix A1](#) and [Appendix A2](#) respectively)
- IT, email and internet policies
- Counter-fraud and corruption policy

**5.1 – 6.2** I confirm that I am committed to observe this Code of Conduct and, if a member of the Authority, to comply with the standards of behaviour set out in the Council's Local Election Compact detailed in [Schedule 2](#).

## **5.1 – 7 APPLICATION OF THE MEMBERS' CODE OF CONDUCT**

**5.1 – 7.1** This Code of Conduct shall apply with effect from 1st July 2012 to promote and maintain high standards of conduct including behaviour by its Members and Co-opted Members whenever they conduct the business of the Authority including the business of the office to which they were elected or appointed or when they claim to act or give the impression of acting as a representative of the Authority.

## MEMBERS' CODE OF CONDUCT

### 5.1 – SCH 1 DISCLOSABLE PECUNIARY INTERESTS

The duties to notify, 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. Disclosable Pecuniary Interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and with amendments is as follows:

INTEREST	PRESCRIBED DESCRIPTION
<b>EMPLOYMENT, OFFICE, TRADE, PROFESSION OR VOCATION</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>SPONSORSHIP</b>	<p>Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you 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>
<b>CONTRACTS</b>	<p>Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial Interest) and the Council:</p> <p>(a) Under which goods or services are to be provided or works are to be executed</p> <p>(b) Which has not been fully discharged.</p>
<b>LAND</b>	<p>Any beneficial interest in land which is within the Council's area.</p> <p>For this purpose 'land' includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.</p>
<b>LICENCES</b>	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
<b>CORPORATE TENANCIES</b>	<p>Any tenancy where (to your knowledge):</p> <p>(a) The landlord is the Council and</p> <p>(b) The tenant is a body in which you, your spouse or civil partner or a person</p>

<b>SECURITIES</b>	<p>Any beneficial interest In securities of a body where</p> <p>(a) That body (to your knowledge) has a place of business or land in the Council's area</p> <p>(b) Either:</p> <p>(i) The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or</p> <p>(ii) If the share capital of that body is of more than one class, the total nominal value of the shares of anyone class in which you, your spouse or civil partner or person with whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class</p> <p>For this purpose, '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.</p>
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*NOTE: The provisions in Paragraph 5.1 - 2 of the Code in respect of the registration and disclosure of Disclosable Pecuniary Interests and to withdraw from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and those of your spouse or civil partner or person with whom you are living as a spouse or civil partner where you are aware of their Interest.*

## **MEMBERS' CODE OF CONDUCT**

### **5.1 – SCH 2 SCHEDULE 2 - LOCAL ELECTION COMPACT**

As an elected Member of Amber Valley Borough Council, I:

- (a) Believe in the importance of fostering good relations between people in the groups covered by equality law (namely age, disability, gender, gender reassignment, pregnancy and maternity, race, religion and belief, sexual orientation, marriage and civil partnership) and other people in the communities of Amber Valley.
- (b) Give an undertaking to represent the interests of all constituents.
- (c) Reject all forms of discriminatory conduct, violence, harassment and unlawful discrimination.
- (d) Agree not to publish or endorse material likely to generate hostility or division between people in the groups covered by equality law and other people.
- (e) Will ensure that, when canvassing, I do not use any actions or words that might lead others to discriminate or stir up hatred, or lead to prejudice on the grounds of one or more characteristics of people in the groups covered by equality law or any other ground.
- (f) Give an undertaking that anyone involved in my campaign for election will abide by these principles and accepts that any breach will be investigated and appropriate action will be taken against offenders.