

Co-opted Members' Code of Conduct

This Code of Conduct has been adapted from Nottingham City Council's Code of Conduct to recognise the particular circumstances that apply to co-opted members.

'Co-opted member' means any person who is a member of any committee or sub-committee of the Council but is not one of its elected members. Some co-opted members have voting rights on the committee or sub-committee of which they are a member and others do not. All co-opted members with voting rights are legally required to comply with the requirements of the Code of Conduct. As a matter of best practice it is also expected that all non-voting co-opted members will also observe the principles contained in the Code and comply with its requirements.

1. Application

This Code of Conduct applies to you whenever you are acting in your capacity as a co-opted member of one of the Council's committees or sub-committees, including:

- 1.1 at formal meetings of that committee or sub-committee;
- 1.2 when acting as a representative of that committee or sub-committee, including at meetings of Council, its committees and sub-committees, the Executive Board and its committees and sub-committees;
- 1.3 in contributing to decision making as part of that committee or sub-committee;
- 1.4 at briefing meetings with colleagues and partners;
- 1.5 at site visits; and
- 1.6 when corresponding with the Council.

2. Principles

The principles underpinning this Code of Conduct are that you will act with:

Selflessness
Integrity
Objectivity
Accountability
Openness
Honesty
Leadership
Respect for others
A commitment to uphold the law

3. General Conduct

You must:

- 3.1 provide leadership to the committee or sub-committee of which you are a member and the communities which it serves, by personal example;
- 3.2 respect others and not bully any person;
- 3.3 recognise that Council colleagues (other than political assistants) are employed by and serve the whole Council;
- 3.4 respect the confidentiality of information which you receive as a co-opted member:
 - (a) not disclosing confidential information to third parties unless required to do so by law or where there is a clear and over-riding public interest in doing so; and
 - (b) not obstructing third parties' legal rights of access to information;
- 3.5 not conduct yourself in a manner which is likely to bring the committee or sub-committee of which you are a member or the Council into disrepute;
- 3.6 use your position as a co-opted member in the public interest and not for personal advantage;
- 3.7 accord with the Council's reasonable rules on the use of public resources for private and political purposes;
- 3.8 exercise your own independent judgement, taking decisions for good and substantial reasons:
 - (a) attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups;
 - (b) paying due regard to the advice of officers of relevant public bodies, and in particular to the advice of those acting according to their statutory responsibilities; and
 - (c) stating the reasons for your decisions where those reasons are not otherwise apparent;
- 3.9 account for your actions, particularly by supporting the Council's scrutiny function; and
- 3.10 ensure that, as far as within your powers, the committee or sub-committee of which you are a member and the Council acts within the law.

4. Disclosable Pecuniary Interests

You must:

- 4.1 comply with the statutory requirements to register, disclose and withdraw from participating in any matter in which you have a Disclosable Pecuniary Interest;
- 4.2 ensure that your register of interests is kept up to date and notify the Council's Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your Disclosable Pecuniary Interests;
- 4.3 verbally declare the existence and nature of any Disclosable Pecuniary Interest at any meeting you attend where an item of business which affects or relates to the subject matter of that interest is to be considered, at or before that item of business is considered or as soon as you are aware of the interest;

- 4.4 'Meeting' means any meeting organised by or on behalf of the Council that you are attending in your capacity as a co-opted member of one of the Council's committees or sub-committees, including:
- (a) any meeting of the committee or sub-committee of which you are a member;
 - (b) any meeting of the Council or a Committee or Sub-Committee of Council or Executive Board and any of its Committees or Sub-Committee;
 - (c) at any briefings by colleagues and partners; and
 - (d) at any site visit;
- 4.5 unless you have the benefit of a current and relevant dispensation in relation to the matter being considered you must:
- (a) not participate, or participate further, in any discussions of the matter at the meeting;
 - (b) not participate in any vote, or further vote, taken on the matter at the meeting; and
 - (c) remove yourself from the meeting while any discussion or vote takes place on the matter;
- 4.6 where you are able to discharge a function of the Council acting alone and you are aware that you have a Disclosable Pecuniary Interest in a matter being dealt with, or to be dealt with, by you in the course of discharging that function, you must:
- (a) not take any steps, or further steps, in relation to the matter (except for the purpose of enabling someone other than you to deal with the matter); and
 - (b) notify the Council's Monitoring Officer (in writing) of that Disclosable Pecuniary Interest within 28 days of becoming aware of the interest if the interest is not already entered in the register and has not already been notified to the Monitoring Officer;
- 4.7 where you have a Disclosable Pecuniary Interest arising from your employment the action you should take will depend on the particular circumstances. It would not make sense for co-opted members appointed by their employers to be precluded from a meeting solely because the matter related to something which affects their organisation. However, there may be exceptional circumstances where, because the matter affects the individual directly or, for some other reason, it would not be appropriate for a member to participate. To determine this you must ask yourself the question "would a reasonable member of the public with knowledge of all the circumstances consider the matter as so significant that it is likely to prejudice your judgement of the public interest."

5. Other Interests

- 5.1 In addition to the requirements of Paragraph 4, if you attend a meeting where any item of business is to be considered and you are aware that you have an 'Other Interest' in that item, you must verbally declare the existence and nature of that interest at or before that item of business is considered or as soon as you are aware of the interest;
- 5.2 you have an "Other Interest" in an item of business of the authority if it not a

Disclosable Pecuniary Interest, and:

- (a) you are, or ought reasonably to be, aware that a decision in relation to an item of business to be transacted might reasonably be regarded as affecting your wellbeing or financial position, or the wellbeing or financial position of 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 Council's administrative area, or
- (b) it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code in respect of a member of your family (other than a 'relevant person'*) or a person with whom you have a close association, or
- (c) a reasonable member of the public, with knowledge of all the circumstances, would consider that you have an interest which would prejudice your judgement if you were involved in making any decision on that item of business;

* your spouse or civil partner, a person you are living with as husband or wife, or a person you are living with as if are civil partners.

- 5.3 you are not required to notify the Council's Monitoring Officer of 'Other Interests' for inclusion in the register. However, you are required to declare that interest and act in accordance with paragraphs 4.5 or 4.6 above.

6. Sensitive Interests

- 6.1 You must notify the Council's Monitoring Officer of the details of sensitive interests but these details will not be included in any published version of the register;
- 6.2 If you have a sensitive interest you are required to declare that you have an interest at meetings (as required by paragraph 4.3 and 5.3 of this Code) but the detail of the interest need not be declared.

7. Gifts and Hospitality

- 7.1 You must, notify the Council's Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a co-opted member of one of the Council's committees or sub-committees from any person or body within 28 days of receipt;
- 7.2 the Monitoring Officer will place your notification on a public register of gifts and hospitality;
- 7.3 this duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Council for this purpose.

Disclosable pecuniary interest *Remember that most of these apply to your partner as well as to you where you are aware of your partner's interest*	Guidance
1. <u>Employment</u> Any employment, office, trade, profession or vocation carried out for profit or gain.	<p>A short description of any job or business you and your partner have to declare for income tax purposes, including any trade, profession or vocation and including the name of your employer. You are required to declare any employment or business even if it is not within the Council's area. You are not required to declare what income you receive.</p> <p>Give a short description of the activity concerned; for example, "Computer Operator" or "Accountant".</p> <p>Where you hold an office, give the name of the person or body which appointed you. In the case of a public office, this will be the authority which pays you.</p>

2. Sponsorship

Any payment or provision of any other financial benefit (other than from the Nottingham City Council) made or provided in the last 12 months in respect of any expenses incurred in carrying out your duties as a co-opted member, including any payment or financial benefit from a trade union.

Sponsorship includes another person paying expenses which you would otherwise have to pay.

You should declare the name of any person or body who has made any payments to you in the last year towards your expenses as a co-opted member.

You do not need to declare the amounts of any payments: only the name of the person or body making them.

Any payments and statutory allowances received from a local authority do not need to be declared.

<p>Disclosable pecuniary interest *Remember that most of these apply to your partner as well as to you where you are aware of your partner's interest*</p>	<p>Guidance</p>
<p>3. <u>Contracts</u> Any contracts with Nottingham City Council, including any contracts made between you / your partner and the Council and any contracts made between a body in which you / your partner have a beneficial interest and the Council.</p>	<p>You should give a brief description of the nature and length of any contracts for goods, services or works which you or your partner have with the Council either directly or because you / your partner have a beneficial interest in the body which has the contract, for example as a partner in a firm or a paid director of a company.</p> <p>This includes contracts with the Council even if the works, goods or services are for third parties, eg a voluntary sector organisation. Only contracts that have not been fully discharged need to be notified.</p>
<p>4. <u>Land</u> Any beneficial interest in land within Nottingham City Council's boundaries.</p>	<p>You should include any land in the area of the Council in which you or your partner have a beneficial interest (freehold or leasehold or a short tenancy), either of your own, or jointly with one or more other people. You have a beneficial interest in land if, for example, you own, you rent, you are entitled to the proceeds of, or you may, under a trust, become entitled to the proceeds of that land.</p> <p>You should give the address of the land or (where, for example, it is land without any buildings on it) a brief description which is good enough to identify the location.</p> <p>If you live in the City then you should include your home under this heading whether as owner, lessee, or tenant. You only need to give the address. You do not need to give any details about your mortgage, lease agreement, rent etc.</p> <p>Excluded is land where you are a trustee for other people or where you are an executor or administrator of the estate of someone who has died and have no interest in the estate. If you own land outside the area of the Council you do not have to declare it but if you receive an income from the</p>

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	<p>land then in the 'Employment section' the property letting business should be declared, but it is not necessary to state where the property is.</p>
<p>5. <u>Licences</u> Any licence (alone or jointly with others) to occupy land within Nottingham City Council's boundaries for a month or longer.</p>	<p>You should list any licences that you / your partner has either on your own or jointly with others, or any permission that you have to occupy land (for example, as an allotment or for fishing or shooting) where the licence, or permission, will last for a month or longer.</p> <p>You should give the address of the land or (where, for example, it is land without any buildings on it) a brief description good enough to identify the location.</p>
<p>6. <u>Corporate Tenancies</u> Any tenancy where (to your knowledge) (a) Nottingham City Council is the landlord; and (b) the tenant is a body in which you / your partner has a beneficial interest.</p>	<p>You should list the address of any land or buildings rented from the Council by you or a body in which you / your partner have a beneficial interest.</p> <p>You should give the address of the land or (where, for example, it is land without any buildings on it) a brief description good enough to identify the location.</p>
<p>7. <u>Securities</u> Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in Nottingham City; and either (a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (b) 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 you / your partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>	<p>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> <p>You should list the names of any companies, industrial and provident societies, co-operative societies, or other bodies corporate that (to your knowledge) are active in the City and in which you or your partner have a substantial interest. You do not need to show the extent of your interest.</p>

Disclosable pecuniary interest *Remember that most of these apply to your partner as well as to you where you are aware of your partner's interest*	Guidance
	<p>You have a substantial interest if you own shares or other securities in the company with a nominal value of more than £25,000 or more than 1/100th of the issued share or securities (whichever is lower) eg if the company has 100 £1 shares and you have one share, you need to declare the interest. The value of shares is the face value (the value recorded on the share certificate) not the current market value. For example, you bought 10,000 £1.50 shares (face value) in 1999. The market value at that time was £3.00 each, so the total paid was £30,000, but the shares are now worth £45,000. The nominal value of the shares would be £15,000 (10,000 x £1.50). Therefore, you would not be obliged to enter the shares in the register of interests, even though the current market value of the shares is £45,000.</p> <p>It is not necessary to declare the size or nature of the holding, simply the name of the company or other body. You have a beneficial interest in a type of share if, for example, you own, you are entitled to the proceeds of, or you may, through a trust or will, become entitled to the proceeds of, that type of share. You do not need to register any such interest that you have as trustee.</p> <p>If you know the companies in which your PEP, ISA or pension fund has invested and:</p> <ul style="list-style-type: none"> • those companies have a place of business or land in the City; and • your beneficial interest in the investment is greater than the levels indicated above, <p>then you need to register that interest. You are only required to register interests which are known to you. The Code does not require you to investigate the investment portfolio of any PEP, ISA or pension scheme to which you may belong.</p> <p>If there are several classes of shares or securities, the fraction of 1/100th</p>

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	applies to any of these classes. A company or body corporate is active in the City if it has land or a place of business in the City boundaries.