



Hull  

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City Council

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# THE CONSTITUTION

Part D – Conduct

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**PART D**

**CONDUCT**

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**PART D1****MEMBER CODE OF CONDUCT****PART I - GENERAL PROVISIONS****1. Introduction and interpretation**

- 1.1 This Code applies to **you** as a member of Hull City Council (the Council).
- 1.2 You should read this Code together with the general principles prescribed by the Secretary of State and attached as Appendix A.
- 1.3 It is your responsibility to comply with the provisions of this Code.
- 1.4 In this Code:

‘close associate’ means a person that you are in either regular or irregular contact with over a period of time who is more than an acquaintance. It is someone a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects them. It may be a relative, a friend, a colleague, a business associate or someone whom you know through general social contacts.

‘**meeting**’ means any meeting of the Council, the executive of the Council and any of the Council’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees.

‘**member**’ includes an elected member, a co-opted member and an appointed member.

**2. Scope**

- 2.1 Subject to paragraphs 2.2 to 2.5, you must comply with this Code whenever you:
- 2.1.1 conduct the business of the Council (which, in this Code, includes the business of the office to which you are elected or appointed); or
- 2.1.2 act, claim to act or give the impression you are acting as a representative of the Council,

and references to your official capacity are construed accordingly.

- 2.2 Subject to paragraphs 2.3 and 2.4, this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- 2.3 In addition to having effect in relation to conduct in your official capacity, paragraphs 3.2.2, 3.4 and 3.5.1 also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

2.4 Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in paragraph 2.3) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

2.5 Where you act as a representative of the Council:

2.5.1 on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

2.5.2 on any other body, you must, when acting for that other body, comply with the Council's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

### **3. General obligations**

3.1 You must treat others with respect.

3.2 You must not:

3.2.1 do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);

3.2.2 bully any person;

3.2.3 intimidate or attempt to intimidate any person who is or is likely to be:

3.2.3.1 a complainant;

3.2.3.2 a witness; or

3.2.3.3 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

3.2.4 do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

3.3 You must not:

3.3.1 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:

3.3.1.1 you have the consent of a person authorised to give it;

- 3.3.1.2 you are required by law to do so;
- 3.3.1.3 the disclosure is made 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
- 3.3.1.4 the disclosure is:
  - 3.3.1.4.1 reasonable and in the public interest; and
  - 3.3.1.4.2 made in good faith and in compliance with the reasonable requirements of the authority; or
- 3.3.2 prevent another person from gaining access to information to which that person is entitled by law.
- 3.4 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.
- 3.5 You:
  - 3.5.1 must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
  - 3.5.2 must, when using or authorising the use by others of the resources of the Council:
    - 3.5.2.1 act in accordance with the Council's reasonable requirements;
    - 3.5.2.2 ensure that such resources are not used improperly for political purposes (including party political purposes); and
  - 3.5.3 must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 3.6 When reaching decisions on any matter you must have regard to any relevant advice provided to you by the Councils:
  - 3.6.1 Chief Finance Officer; or
  - 3.6.2 Monitoring Officer,where that officer is acting pursuant to his or her statutory duties.
- 3.7 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

- 3.8 You must respect and follow any arrangements made by the Monitoring Officer of the Council following determination of an allegation for mediation or conciliation or such appropriate alternative steps agreed by the independent person to facilitate resolution of the complaint.

**3.8.1 PART II - INTERESTS**

**4. Personal interests**

- 4.1 You have a personal interest in any business of the Council where either:

4.1.1 it relates to or is likely to affect:

4.1.1.1 any body 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;

4.1.1.2 any body:

4.1.1.2.1 exercising functions of a public nature;

4.1.1.2.2 directed to charitable purposes; or

4.1.1.2.3 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;

4.1.1.3 the interests of any person from whom you have received gifts or hospitality with an estimated value of at least £50 within a Municipal Year;

4.1.1.4 the interests of a close associate.

**5. Disclosure of personal interests**

- 5.1 Subject to paragraphs 5.2 to 5.7, where you have a personal interest in any business of the Council and you attend a meeting of the Council at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

- 5.2 Where you have a personal interest in any business of the Council, in addition to disclosing that interest you must not Chair or seek improperly to influence a decision of the Council about that business, save where such interest falls within paragraph 5.3.

- 5.3 Where you have a personal interest in any business of the Council of the type mentioned in paragraph 4.1.1.3, you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- 5.4 Paragraph 5.1 only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- 5.5 Where you have a personal interest but, by virtue of paragraph 9.1, sensitive information relating to it is not registered in the Council's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the nature of the interest to the meeting.
- 5.6 Where you have a personal interest in any business of the Council and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- 5.7 In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

## **6. Discloseable Pecuniary interests**

- 6.1 You have a discloseable pecuniary interest in any business of your authority where You or:
- 6.1.1 Your spouse or civil partner
- 6.1.2 A person with whom you are living as husband and wife, or
- 6.1.3 A person with whom you are living as if he or she were civil partners

has an interest of which you are aware or ought reasonably to be aware, and the interest falls within a category of interest identified as a Discloseable Pecuniary Interest specified in regulations made by the Secretary of State from time to time pursuant to s30 of the Localism Act 2011. The current Regulations are appended to this Code at Appendix B.

## **7. Effect of discloseable pecuniary interests on participation**

- 7.1 Subject to paragraph 7.2, where you have a discloseable pecuniary interest in any business of the Council:
- 7.1.1 you must withdraw from the room or chamber where a meeting considering the business is being held immediately the agenda item is reached unless you have obtained a dispensation from the Council's Monitoring Officer;
- 7.1.2 you must not exercise executive functions in relation to that business; and

- 7.1.3 you must not seek improperly to influence a decision about that business.
- 7.2 Where you have a discloseable pecuniary interest in any business of the Council, you may attend a meeting of an overview and scrutiny committee of the Council or of a sub-committee of such a committee but only for the purpose of answering questions or giving evidence relating to the business, provided that you leave the room before the point at which any discussion or vote in relation to the business takes place



**PART III – REGISTRATION OF MEMBERS’ INTERESTS****8. Registration of members’ interests**

8.1 Subject to paragraph 9, you must, within 28 days of:

8.1.1 this Code being adopted by or applied to the Council; or

8.1.2 your election or appointment to office (where that is later),

register in the Council’s register of members’ interest (maintained under section 81(1) of the Local Government Act 2000) details of your personal and discloseable pecuniary interests where they fall within a category mentioned in paragraph 4.1.1.1 to 4.1.1.3, by providing written notification to the Council’s monitoring officer.

8.2 Subject to paragraph 9, you must, within 28 days of becoming aware of any new personal interest or change to any personal or discloseable pecuniary interest registered under paragraph 8.1, register details of that new interest or change by providing written notification to the Council’s monitoring officer.

**9. Sensitive interests**

9.1 Where you consider that the information relating to any of your personal interests is sensitive information, and the Council’s monitoring officer agrees, you need not include that information in the authority’s register that is made available for inspection.

9.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 9.1 is no longer sensitive, notify the Council’s monitoring officer asking that the interest be included in the Council’s register of members’ interests.

In this Code, a “sensitive interest” means an interest the disclosure of which you and the Council’s Monitoring Officer consider could lead to you, or a person connected with you, being subject to violence or intimidation”

**GENERAL PRINCIPLES OF CONDUCT****APPENDIX A****Selflessness**

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

**Honesty and Integrity**

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

**Objectivity**

3. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

**Accountability**

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

**Openness**

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

**Respect for Others**

6. Members should promote equality by not discriminating unlawfully 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.

**Leadership**

7. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

## Appendix B

## SCHEDULE

Regulation 2

<i>Subject</i>	<i>Prescribed 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 M in carrying out duties as a member, or towards the election expenses of M.</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<sup>(1)</sup>.</p>
Contracts	<p>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—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
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	<p>Any tenancy where (to M's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total</p>

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<sup>(1)</sup> 1992 c. 52.

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.