

North Tyneside Council

Code of Conduct for Elected Members and Co-opted Members

North Tyneside Council (“the Authority”) has adopted the following Code of Conduct which has effect from ??? 2021 and which sets out the conduct that is expected of elected and co-opted members of the Authority when they are acting in that capacity.

Definitions

For the purposes of this Code of Conduct, a “member” means an elected member or co-opted member of the Authority and the elected mayor.

A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as 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 who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” also includes the fire and rescue authority, police authority, joint authority, and combined authority.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist members in modelling the behaviour that is expected of them, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against them. It is also to protect members, the public, fellow members, officers, and the reputation of the Authority. It sets out general principles of conduct expected of all members and their specific obligations in relation to standards of conduct. The Authority encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of members and local government.

General principles of member conduct

Everyone in public office at all levels who serve the public or deliver public services, including members and officers of the Authority should uphold the **Seven Principles of Public Life**, also known as the 'Nolan Principles' (see Annex 1 to the Code of Conduct). Building on these principles, the following general principles have been developed specifically for the role of members.

In accordance with the public trust placed in them, when acting in their capacity as a member a member should, on all occasions:

- act with integrity and honesty
- act lawfully
- treat all persons fairly and with respect; and
- lead by example and act in a way that secures public confidence in the role of members.

When undertaking the role of member, a member should:

- Act impartially and exercise their responsibilities in the interests of the local community
- Not improperly seek to confer an advantage, or disadvantage, on any person
- Avoid conflicts of interest
- Exercise reasonable care and diligence; and
- Ensure that public resources are used prudently in accordance with the Authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to members as soon as they sign their declaration of acceptance of the office of councillor or attend their first meeting as a co-opted member of the Authority and continues to apply for as long as they remain a member of the Authority.

This means the Code of Conduct applies whenever a member (a) conducts the business of the Authority (including the business of the office of an elected member or co-opted member) or (b) act, claim to act or give the impression of acting as a representative of the Authority.

The Code of Conduct applies to all forms of communication and interaction, including: -

- face-to-face meetings
- online or telephone meetings
- written communication
- verbal communication
- non-verbal communication
- electronic and social media communication, posts, statements and comments.

Members are expected to uphold high standards of conduct and show leadership at all times when acting as a member.

The Authority's Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and members are encouraged to seek advice from the Monitoring Officer on any matter that may relate to the Code of Conduct.

Members are encouraged to read the supporting guidance produced by the Local Government Association on the Model Councillor Code of Conduct on which this Code of Conduct is largely based. The link to the guidance is here: <https://local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>

Part 1 - General conduct

This section sets out members' obligations, which are the minimum standards of conduct required of members. Should member conduct fall short of these standards, a complaint may be made against members, which may result in action being taken.

1. Respect

As a member:

- 1.1 You must treat other members and members of the public with respect.
- 1.2 You must treat officers of the Authority, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

“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 member, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. Whilst greater allowance may be given for robust political debate between members, bearing in mind the right to freedom of expression, members should not, however, subject individuals, groups of people or organisations to personal abuse.

In contact with the public, members should treat the public politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in members. In return, members have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening members are entitled to stop any conversation or interaction in person or online and report them to the Monitoring Officer, the relevant social media provider or the police. This also applies to fellow members, where action could then be taken under this Code of Conduct, and local authority employees, where concerns should be raised in line with the Authority's Protocol on Member/Officer Relations in Part 8.6 of the Authority's Constitution.

2. Bullying, harassment, and discrimination

As a member:

- 2.1 You must not bully any person.
- 2.2 You must not harass any person.
- 2.3 You must promote equalities
- 2.4 You must not discriminate unlawfully against any person.

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 telephone 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.

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. Members have a central role to play in ensuring that equality issues are integral to the Authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the Authority

As a member:

- 3.1 You must not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the Authority.

Officers work for the Authority as a whole and must be politically neutral whilst at work (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. Members 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, members 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.

4. Confidentiality and access to exempt information

As a member:

4.1 You must not disclose information:

- a) given to you in confidence by anyone
- b) acquired by you which you believe, or ought reasonably to believe, is of a confidential nature, unless
 - i. you have received the consent of a person authorised to give it;
 - ii. you are required by law to do so;
 - iii. the disclosure is made to a third party for the purposes of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - iv. the disclosure is:
 - a. reasonable and in the public interest; and
 - b. made in good faith and in compliance with the reasonable requirements of the Authority; and
 - c. you have consulted with the Monitoring Officer prior to its release.

- 4.2 You must not use knowledge gained solely as a result of your role as a member for the advancement of yourself, your friends, your family members, your employer, or your business interests.
- 4.3 You must not prevent anyone from getting information that they are entitled to by law.

The Authority must work openly and transparently, and its proceedings and printed materials open to the public, except in certain legally defined circumstances. Members 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 Authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a member:

- 5.1 You must not do anything to bring your role or the Authority into disrepute.

Members are trusted to make decisions on behalf of their community and their actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. Members should be aware that their actions might have an adverse impact on them, other members and/or the Authority and may lower the public's confidence in their or the Authority's ability to discharge their/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring the Authority into disrepute.

Members are able to hold the Authority and fellow members to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Authority whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a member:

6.1 You must not use, or attempt to use, your position improperly to the advantage or disadvantage of yourself or anyone else.

Members of the Authority are provided with certain opportunities, responsibilities, and privileges, and make choices all the time that will impact others. Members should not take advantage of these opportunities to further their own or others' private interests or to disadvantage anyone unfairly.

7. Use of the Authority's resources and facilities

As a member:

7.1 You must not misuse the Authority's resources.

7.2 You must when using the Authority's resources or authorising their use by others: -

- a. Act in accordance with the Authority's requirements; and
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Authority or of the office to which you have been elected or appointed.

Members are provided with resources and facilities by the Authority to assist with the carrying out of their duties and may include: -

- office support
- stationary
- equipment such as telephones and computers
- transport
- access and use of the Authority's buildings and rooms.

8. Complying with the Code of Conduct

As a member:

- 8.1 You must undertake Code of Conduct Training provided by the Authority.
- 8.2 You must cooperate with any Code of Conduct investigation and/or determination.
- 8.3 You must not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

You must comply with any sanction imposed on you following a finding that you have breached the Code of Conduct.

It is extremely important for Members to demonstrate high standards, and for their actions to be open to scrutiny and for members not to undermine public trust in the Authority or its governance. If members do not understand or are concerned about the Authority's processes in handling a complaint, they should raise those concerns with the Authority's Monitoring Officer.

9. Interests

As a member:

- 9.1 You must register and disclose your interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the Authority.

Members need to register their interests so that the public, officers and fellow members know which of their 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 members by allowing them to demonstrate openness and a willingness to be held accountable. Members are personally responsible for deciding whether or not they should disclose an interest in a meeting, but it can be helpful for members 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 members 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.

Members should note that failure to register or disclose a Disclosable Pecuniary Interest as set out in Annex 2 of the Code of Conduct is a criminal offence under the Localism Act 2011.

Parts 2 and 3 of the Code of Conduct set out the detailed provisions on registering and disclosing interests. If in any doubt members should always seek advice from the Authority's Monitoring Officer.

10. Gifts and hospitality

As a member:

- 10.1 You must not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on your part to show favour from persons seeking to acquire, develop or do business with the Authority or from persons who may apply to the Authority for any permission, licence or other significant advantage.
- 10.2 You must register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
- 10.3 You must register with the Monitoring Officer any significant gift or hospitality that you have been offered but have refused to accept.

In order to protect the position of members and the reputation of the Authority, members should exercise caution in accepting any gifts or hospitality which are (or which members reasonably believe to be) offered to them because they are a member. 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 members could accept it but must ensure it is publicly registered. However, members do not need to register gifts and hospitality which are not related to their role as a member, such as Christmas gifts from their friends and family. It is also important to note that it is appropriate for members to accept normal expenses and hospitality associated with their duties as a member. If members are unsure, contact your Monitoring Officer for guidance.

11. Scrutiny of decisions taken

As a member:

11.1 You must not take part in the scrutiny process of a decision being reviewed by the Overview, Scrutiny and Policy Development Committee (or Sub-Committee) when you were involved in the decision that is being reviewed by the Overview, Scrutiny and Policy Development Committee (or sub-committee).

11.2 You must attend before the Overview, Scrutiny and Policy Development Committee (or sub-committee) if required to do so and to otherwise assist it.

“Scrutiny” means the formal examination of a policy or decision previously approved or taken by, or on behalf, of the Authority in order to reach a view as to its merits or effectiveness.

12. Safeguarding

As a member:

12.1 You must report any suspicion you have or any intelligence/information you have received on any safeguarding issue regarding children or vulnerable adults, including potential or actual sexual exploitation, to the Authority and where appropriate to the Police.

Safeguarding children, young people and vulnerable adults is everyone’s business in North Tyneside including members.

Part 2 - Registration of interests

13. Within 28 days of becoming a member, your re-election, or appointment/re-appointment to office you must register with the Authority's Monitoring Officer your registerable personal interests so that they can be recorded in the Authority's Register of Members' Interests. In the Code of Conduct your "registerable personal interests" means: -
- (a) any Disclosable Pecuniary Interest as set out in Annex 2 of the Code of Conduct; **or**
 - (b) other registerable interests held by you as set out in Annex 3 of the Code of Conduct.

You must ensure that your Register of Interests is kept up-to-date and within 28 days of becoming aware of any new Disclosable Pecuniary Interest, or of any change to such an interest, or any new other registerable interest, or any change thereto, you must notify the Monitoring officer of that change in writing.

NOTE: Failure without reasonable excuse to register a Disclosable Pecuniary Interest within the 28-day period is a criminal offence under section 34 Localism Act 2011 as well as being a breach of the Code of Conduct.

It is also a criminal offence under section 34 of the Localism Act 2011 to knowingly provide information relating to a Disclosable Pecuniary Interest that is false or misleading or is provided recklessly as to whether the information is true and not misleading as well as being a breach of the Code of Conduct.

The requirements placed upon you by the Localism Act 2011 are in addition to any other legislative requirement to disclosure specified information e.g. election expenses. It may be the case that the same information has to be disclosed more than once so that the information can appear in different locations.

14. Where you think that disclosure of the details of any of your registerable personal interests could lead to you, or a person connected with you, being subject to violence or intimidation, the Monitoring Officer may at your request make a note on the Register that you have a personal interest, details of which are withheld. This is known as a "sensitive interest".

Part 3 – Disclosure of Non-registerable interests

15. You will have a non-registerable personal interest when you attend a meeting of the Authority and you are, or ought reasonably to be aware, that a decision in relation to an item of business which is to be transacted might reasonably be regarded as affecting your wellbeing, or financial position, or the wellbeing or financial position of a person described in paragraph 16 to a greater extent than most inhabitants of the area affected by the decision.
16. The persons referred to in paragraph 15 are:
- (a) a member of your family;
 - (b) any person with whom you have a close association;
 - (c) in relation to persons described in (a) and (b), their employer, any firm in which they are a partner, or company of which they are a director or shareholder; and
 - (d) a body included under Other Registrable Interests in Annex 3 of the Code of Conduct.

NOTE:

- (a) “A member of your family” means: your partner (i.e. your spouse, civil partner, or anyone with whom you live in a similar capacity); your parent or parent-in-law; any child, stepchild or sibling of you or your partner; your grandparent, grandchild, aunt, uncle, nephew, or niece; and the partners of any of those people.
 - (b) You have a “close association” with someone if your relationship is such that a reasonable member of the public might think you would be prepared to favour or disadvantage that person when deciding a matter which affects them).
 - (c) “Authority” in this Code of Conduct means Council, Cabinet, or one of their Committees, Sub-Committees, working groups, Boards, or other decision-making bodies, and all references to Authority should be read as such, unless the context indicates otherwise.
17. When you attend a meeting of the Authority, and you are aware that you have a non-registerable interest in an item of business (as defined in paragraph 15) you must disclose that interest to the meeting before consideration of that item begins or (if later) when you become aware of the interest.

Part 4 - Non-Participation in Authority Business

18. When you attend a meeting of the Council or Cabinet, or one of their committees or sub-committees, and you are aware that the criteria set out in paragraph 19 are satisfied in relation to any matter to be considered, or being considered at that meeting, you must: -
- (a) Declare that fact to the meeting;
 - (b) Not participate (or further participate) in any discussion of the matter at the meeting;
 - (c) Not participate in any vote (or further vote) taken on the matter at the meeting; and
 - (d) Leave the room whilst the matter is being discussed.
19. The criteria for the purposes of paragraph 18 are that:
- (a) You have a registerable or non-registerable personal interest in the matter which is such that a member of the public knowing the relevant facts would reasonably think it so significant that it is likely to prejudice your judgement of the public interest; **and either**
 - (b) The matter will affect the financial position of yourself or one of the persons or bodies referred to in paragraph 16 or in any of your register entries; **or**
 - (c) The matter concerns a request for any permission, licence, consent, or registration sought by yourself or any of the persons referred to in paragraph 16 or in any of your register entries.
20. If an Authority function can be discharged by you as a member acting alone (e.g. as a Cabinet member exercising an executive function) and you are aware that you have a registerable or non-registerable personal interest in any matter to be dealt with by you in that way which meets the criteria set out in paragraph 19, you shall not deal with that matter in any way (except to enable it to be dealt with by someone else).

NOTE: Failure, without reasonable excuse, to comply with paragraphs 18 to 20 in relation to a Disclosable Pecuniary Interest is a criminal offence under section 34 Localism Act 2011 as well as being a breach of this Code of Conduct.

21. Paragraphs 18 to 20 do not apply if (i) you have a relevant dispensation under section 33 of the Localism Act 2011 or (ii) the matter in question relates to any of the following functions of the Authority:
- (a) housing, where you are a Council tenant provided the matter does not relate particularly to your tenancy or lease;
 - (b) school meals or school transport, where you are a parent or guardian of a child in full-time education or a parent governor of a school, unless the matter relates particularly to the school your child attends;
 - (c) statutory sick pay where you are in receipt of, or entitled to receipt of, such pay;
 - (d) an allowance, payment or indemnity given to members;
 - (e) any ceremonial honour given to members; and
 - (f) setting council tax or a precept under the Local Government Finance Act 1992.

Annex 1 to Code of Conduct

Nolan's Seven Principles of Public Life

The principles are:

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 disclose 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.

Annex 2 to Code of Conduct

Disclosable Pecuniary Interests

(As specified by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012)

Please Note: The following interests are Disclosable Pecuniary Interests if they are an interest of either (a) yourself, or (b) your spouse or civil partner, or (c) a person with whom you are living as husband and wife, or (d) a person with whom you are living as if you were civil partners (all of whom are referred to as “relevant persons”): -

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 Authority) made to you during the previous 12-month period for expenses incurred by you in carrying out your duties as a member, or towards your election expenses. 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 made between you, your spouse or civil partner or the person with whom you are living as if they were your spouse/civil partner (or a firm in which such person is a partner, or an incorporated body of which such person is a director or a body that such person has a beneficial interest in the securities of) and the 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 and property - Any beneficial interest in land which is within the area of the Authority.

Licences - Any licence (alone or jointly with others) to occupy land in the area of the Authority for a month or longer.

Corporate tenancies - Any tenancy where (to your knowledge): -

- (a) the landlord is the Authority; and
- (b) the tenant is a body that you, or your spouse or civil partner or the person with whom you are living as if they were your spouse/ civil partner is a partner of or a director of or has a beneficial interest in the securities of.

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 Authority; and
- (b) either—
 1. the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 2. 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 spouse or civil partner or the person with whom you are living as if they were spouse/civil partner have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Note: In the above descriptions, the following words have the following meanings –

“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;

“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.

Annex 3 to Code of Conduct

Other Registerable Interests

The other interests which you must register under paragraph 13(b) of the Code of Conduct are:

1. Any unpaid directorships
2. Any body of which you are a member or in a position of general control or management and to which you are nominated or appointed by the Authority;
3. Any body which
 - i. exercises 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) of which you are a member or in a position of general control or management;
4. Any person from whom you have received within the previous three years a gift or hospitality with an estimated value of more than £50 which is attributable to your position as an elected or co-opted member of the Authority.

Note: These mean only your interests and not those of your spouse or civil partner.

Annex 4 to the Code of Conduct

Associated Protocols

The Authority has adopted the following Protocols which are intended to regulate the conduct of elected members or co-opted members and which the Authority has specifically declared should fall within the provisions of this Code of Conduct pursuant to paragraph 6 of the Code.

[None]