

MEMBERS' CODE OF CONDUCT

INTRODUCTION

1. This code of conduct is made under section 27(2) of the Localism Act 2011 ("the Act") and applies to all members of Norwich City Council ("the council").
2. The purpose of this code is to promote and maintain high standards of conduct by members and co-opted members of the council when they are acting in that capacity.
3. This code is intended to promote and maintain behaviour consistent with the following principles:

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

4. You must register and declare interests as required by the Act.

GENERAL PROVISIONS

Introduction and interpretation

5. This code applies to you as a member¹ of an authority.
6. You should read this code together with the general principles contained in the Act.
7. It is your responsibility to comply with the provisions of this code.
8. In this code - "meeting" means any meeting of:
 - (a) the authority;
 - (b) the executive of the authority, i.e. the cabinet;
 - (c) any of the authority's or its cabinet's committees, sub-committees, joint committees² and joint sub-committees.

Scope

9. Subject to paragraphs 10 to 13, you must comply with this code whenever you:
 - (a) conduct the business of the council (which, in this code, includes the business of the office to which you are elected or appointed); or,
 - (b) 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.
10. Subject to paragraphs 11 and 12, this code does not have effect in relation to your conduct other than where it is in your official capacity.
11. In addition to having effect in relation to conduct in your official capacity, paragraphs 14(b), 16, and 17(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

¹ "**member**" includes a co-opted member and an appointed member. "**co-opted member**" means 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.

² Reference to a joint committee or joint sub-committee is a reference to a joint committee on which the authority is represented or a sub-committee of such a committee.

12. Conduct to which this code applies (whether that is conduct in your official capacity or conduct mentioned in paragraph 10) 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).

13. Where you act as a representative of the council:

- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
- (b) 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.

General obligations

14. You must treat others with respect.

15. You must not:

- (a) do anything which may cause the council to be in breach of any statutory obligations;
- (b) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the council.

16. You must not:

- (a) 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:
 - (i) you have 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 purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person;
or;
 - (iv) the disclosure is:
 - (aa) reasonable and in the public interest; and,
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or,

- (b) prevent another person from gaining access to information to which that person is entitled by law.
- 17. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
- 18. You:
 - (a) 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,
 - (b) must, when using or authorising the use by others of the resources of the council:
 - (i) act in accordance with the council's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 19. When reaching decisions on any matter you must have regard to any relevant advice provided to you by:
 - (a) the council's chief finance officer; or
 - (b) the council's monitoring officer, where that officer is acting pursuant to his or her statutory duties.
- 20. You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the council.
- 21. Under the provisions of the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, you must give the monitoring officer written notice of any pecuniary or other interests and any changes, which apply to you or where it is an interest of your spouse or partner (a person with whom you are living as a husband and wife; or a person with whom you are living with as if you are civil partners):
 - (a) within 28 days of election or appointment to office (if that is later);
 - (b) within 28 days of any change to the interests;
 - (c) within 28 days of disclosing an interest at a meeting (where not otherwise entered on the register);

- (d) within 28 days of becoming aware of the interest when solely discharging a function of the authority as a member of the council's cabinet.
22. It is a prosecutable offence to fail to notify the monitoring officer of your interests or knowingly / recklessly provide false or misleading information.
23. The pecuniary interests which are specified for these purposes in the Act are:
- (a) Employment, office, trade, profession or vocation that you or your spouse/partner undertake for profit, remuneration or other gain;
 - (b) Sponsorship: any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in relation to any expenses you have incurred in carrying out your duties as a member, or towards your election expenses. This includes any payment of financial benefit from a trade union.
 - (c) Any contract which is made between you or your spouse/partner or a body in which you (or your spouse/partner) has a beneficial interest) and the relevant authority:
 - (i) under which goods or services are to be provided or works are to be executed; and,
 - (ii) which has not been fully discharged;
 - (d) Land: Any beneficial interest in land that you or your spouse/partner might have which is within the area of the relevant authority;
 - (e) Licences: Any licence (whether you alone, your spouse/partner's or held jointly with others) to occupy the land in the area of the relevant authority for a month or longer;
 - (f) Corporate tenancies: any tenancy where to your knowledge:
 - (i) the landlord is the relevant authority; and,
 - (ii) the tenant is a body in which the relevant person has a beneficial interest.
 - (g) Securities: any beneficial interest in securities of a body where that body to your knowledge has a place of business or land in the area of the relevant authority; and, 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) either the total nominal value or 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.

24. You must also register other interests you may have which impact on your role within the council which include:

- (a) Membership of political parties; pressure groups; trade unions; charitable, voluntary or social enterprise organisations;
- (b) Membership of another public sector organisation;
- (c) Any other bodies not declared as a pecuniary interest in which you have a position of general control or management;
- (d) Outside bodies to which you have been appointed by the council;
- (e) Non-remunerated advice, guidance or consultancy you have provided on an ongoing basis, or specifically within a past 12 month period;
- (f) Lobbying you have participated in, or Lobbying you have participated in, or matters you have been lobbied on (particularly where you may be predetermined on an individual matter);
- (g) Organisations in which you have a beneficial interest which does not meet the requirements of 22 (g), (i) or (ii) above;
- (h) Any other matters you consider should be disclosed;
- (i) Pecuniary interests held by other members of your family or close associates which are likely to impact on your role as a councillor.

25. You may apply to the monitoring officer if you have a pecuniary interest which is sensitive and would cause you harm or victimisation as a result of the interest being made public. If the monitoring officer agrees the only notification that will be required is that you have a pecuniary interest and you will not need to disclose the details.

26. A member with a pecuniary or other interest in a matter, who attends a meeting of the authority at which the matter is considered, must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

27. You have a legal requirement to declare pecuniary interests at a meeting and must not take part in any discussion or vote on the matter.

28. If you are dealing with matters as a cabinet member and become aware of the interest, you must not take any further action in relation to it.

29. You may apply to the monitoring officer for a dispensation where you wish to participate in the consideration of an item and vote and you have a disclosable pecuniary interest:

- (a) Where a committee may not be quorate without the dispensation being given;
 - (b) Disproportionate political representation on a committee may arise;
 - (c) In the public interest to give a dispensation;
 - (d) The cabinet could not make a decision without a dispensation;
 - (e) Otherwise appropriate.
30. It is a prosecutable offence to continue to act where you have a disclosable pecuniary interest.
31. You will be required to withdraw from the meeting during the discussion of matters where you have a disclosable pecuniary interest. You have the same rights as a member of the public to speak at the meeting (i.e. you cannot vote or participate in the debate).
32. You must declare other interests, which impact on your role as a councillor, where it is relevant, but not prejudicial, to the matter under consideration. You may participate in discussion and the vote on the matter.
33. When participating in quasi judicial/regulatory decision making, you should also approach the matter with an open mind. If you appear to the public to have a closed mind on a matter you will be considered to have pre-determined the matter and therefore should not vote on the issue. If you have a pre-determined view in a matter under consideration, you will be required to withdraw from the room during the discussion and not participate in the discussion or vote.