

## MEMBERS' CODE OF CONDUCT

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### Suffolk Local Code of Conduct for Members

In accordance with section 26 to 37 of the Localism Act 2011, on 19 and 21 June 2012 respectively Babergh and Mid Suffolk District Councils (individually “the Council”) resolved to adopt the Suffolk Local Code of Conduct to take effect from 1 July 2012 for the purposes of discharging its duty to promote and maintain high standards of conduct within its area.

Until otherwise amended or replaced by a decision of the Council, the Suffolk Local Code of Conduct set out below shall hereafter apply to all elected members and any co-opted members entitled to vote on any decisions of the Council or its Committees, Sub-Committees or Joint Committees when acting in their capacity as a member of the Council.

### Preamble

The Suffolk Local Code of Conduct shall be interpreted in accordance with the following 7 principles of public life identified by the Committee on Standards in Public Life chaired by Lord Nolan:

**Selflessness** – Holders of public office should act solely in terms of the public interests. 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 any way that protects the public interest.

**Leadership** – Holders of public office should promote and support these principles by leadership and example.

**SUFFOLK LOCAL CODE OF CONDUCT APPLICABLE TO ELECTED MEMBERS AND CO-OPTees APPOINTED TO THE COUNTY, BOROUGH, DISTRICT AND PARISH COUNCILS IN SUFFOLK**

1. You must treat others with respect.
2. You must not:-
  - (1) do anything which may cause your authority to breach any of the Council's duties under the Equality Act 2010;
  - (2) bully any person;
  - (3) intimidate or attempt to intimidate any person who is or is likely to be:-
    - (a) a complainant,
    - (b) a witness, or
    - (c) 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
  - (4) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
3. You must not:-
  - (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:-
    - (a) you have the consent of a person authorised to give it;
    - (b) you are required by law to do so;
    - (c) 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
    - (d) the disclosure is reasonable, in the public interest, made in good faith and in compliance with the reasonable requirements of the authority; or
  - (2) prevent another person from gaining access to information to which that person is entitled by law.
4. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

5. You:-

- (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
- (2) must, when using or authorising the use by others of the resources of your authority:-
  - (a) act in accordance with your authority's reasonable requirements;
  - (b) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (3) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

6. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by:-

- (a) your authority's Chief Finance Officer; or
- (b) your authority's Monitoring Officer,

where that officer is acting pursuant to his or her statutory duties.

- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

7. **Registration of Interests**

- (1) You must register within 28 days of becoming a member of the Council (and to notify the Council's Monitoring Officer of any changes within 28 days) any Disclosable Pecuniary interests you may have for publication in the Register of Members' Interests.
- (2) You may not at any time discharge any function or participate in any Council business or discussions, or vote on any issues that relate to or concern any of your Disclosable Pecuniary Interests where you are aware that you have a relevant Disclosable Pecuniary Interest. You may not remain in the chamber or meeting room or in the public gallery when any matter that relates to any of your Disclosable Pecuniary Interests is under discussion or debate unless you have requested and obtained a written dispensation from your Council's Monitoring Officer or other arrangement in advance of the relevant meeting.

- (3) You must register within 28 days of becoming a member of the Council and to notify your Council's Monitoring Officer of any changes within 28 days any non-statutory Local Non Pecuniary Interests set out in Appendix A to this code, but you may participate in any discussions or debates relating or concerning any of your Local Non Pecuniary Interests after the date of registration.
- (4) You must declare any Disclosable Pecuniary Interest or Local Non Pecuniary Interest to a meeting where business is relevant to those interests, including those interests that are already registered with the Monitoring Officer or where registration is pending.
- (5) You must register, within 28 days, any gifts and hospitality received by you in accordance with the instructions issued within your Council by the Monitoring Officer.
- (6) The Council's Register of Interests will be available for inspection at the Council offices during normal office hours, and will be published on the Council's website.

## 8. Sensitive Interests

You may also apply to your Council's Monitoring Officer for non-publication of the full details of any of your Disclosable Pecuniary Interests or Local Non Pecuniary Interests where you reasonably believe that publication of the details of a particular Disclosable Pecuniary Interests or Local Non Pecuniary Interests could result in your being subjected to violence or intimidation. In considering such applications the Monitoring Officer shall have regard to any representations made by you in determining whether he or she considers the relevant Disclosable Pecuniary Interest or Local Non Pecuniary Interest should be treated as a Sensitive Interest and excluded from the published version of the Register of Members' Interests.

**Appendix A**

**Part 1**

**Description of categories of Disclosable Pecuniary Interests**

1. Any employment, office, trade, profession or vocation carried on by you or a relevant person for profit or gain.
2. Any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred in carrying out your duties as a Councillor, 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 other than from a registered political party.
3. Any beneficial interest in securities of a body where –
  - (1) that body (to your knowledge) has a place of business or land in the area of the Council and,
  - (2) 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) the beneficial interest exceeds one hundredth of the total issued share capital of the share capital of that body, if of more than one class, the total nominal value of the shares of any one class.
4. Any contract which is made between the Council and (1) you, (2) your spouse or civil partner, (3) a person with whom you live as husband and wife, (4) a person with whom you live as if you are civil partners (or a body in which you or they have a beneficial interest) –
  - (1) under which goods or services are to be provided or works are to be executed; and
  - (2) which has not been fully discharged.
5. A beneficial interest in any land in the Council's area.
6. Any tenancy where to your knowledge (a) the landlord is the Council and (b) the tenant is a body in which you or a relevant person has a beneficial interest.
7. A licence of any land in the Council's area (alone or jointly with others) that you or a relevant person occupy for a month or longer.

## Part 2

### Description of categories of Local Non Pecuniary Interests

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 the Council;
2. Any Body –
  - (1) exercising functions of a public nature;
  - (2) directed to charitable purposes; or
  - (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;
3. The interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25.

### Confidential Information Protocol

4. A Protocol to support Paragraph 4(a)(iv) of the Members' Code of Conduct which allows for the disclosure of confidential information by a Councillor where the disclosure is reasonable, in the public interest, made in good faith and complies with the reasonable requirements of the Council.
5. **This Protocol sets out the reasonable requirements of the Council:**
  - (1) That careful consideration is given to the question of whether to make the disclosure and if the disclosure is made, the Councillor retains a note of the main considerations in reaching that decision.
  - (2) That the content of Committee reports, minutes or appendices that are marked as confidential items will not be disclosed without the prior written agreement of the relevant officer on the Senior Leadership Team or author of the report who will re-consider the need to retain confidentiality under the provisions relating to exempt information under Schedule 12A of the LGA 1972 and the Freedom of Information Act 2000.
  - (3) That the detail of legal or other professional advice is not disclosed without the prior written agreement of the relevant officer of the Senior Leadership Team.

- (4) That the Council's [Whistleblowing Procedure](#) (found within the Anti-Fraud and Corruption Policy, and available on the Council's website) together with the guidelines for reporting concerns (also on the website) are considered.
  - (5) That the current Member/Staff Protocol is considered.
  - (6) That the Members' Code of Conduct and associated guidance is considered.
  - (7) That the advice of the Monitoring Officer or Deputy Monitoring Officer is sought prior to disclosure of the information unless agreement has already been secured under (2) or (3) above.
6. Agreement to the disclosure of confidential information may be with or without conditions.
  7. In instances involving particularly sensitive or highly confidential information, a Councillor may be asked to sign a confidentiality notice before information is released to them. In such cases, it would be the Council's expectation that the information is not disclosed.

