

THE CODE OF CONDUCT

INTRODUCTION

This Code of Conduct has been prepared and adopted by Sheffield City Council in accordance with Section 51 of the Local Government Act 2000. The parts of the text printed in **bold** comprise the mandatory provisions prescribed by the Secretary of State under Section 50 of the Local Government Act 2000. The rest comprises additional text approved by the Council.

Every Member, including Members of the Executive and co-opted Members, must sign an undertaking to observe the Council's Code of Conduct.

This Code of Conduct sets out the standards which are required of all Members of the authority in carrying out their duties, and in their relationships with the Council and its officers.

The Code of Conduct represents the standard against which the public, your fellow Councillors, the Standards Board for England and the Council's Standards Committee will judge your conduct. The Local Ombudsman may also regard a breach of the Code as incompatible with good administration, and may make a finding of maladministration by the Council in such circumstances.

It is your responsibility to make sure that what you do complies with the Code of Conduct. You should regularly review your personal circumstances with this in mind, particularly when those circumstances change. If in any doubt, you should seek advice from the authority's Monitoring Officer or from your own legal adviser. In the end however, the decision and the responsibility are yours.

Members are also governed by the Ten General Principles of Public Life which are set out below. These principles define the standards that Members should uphold, and serve as a reminder of the purpose of the Code of Conduct.

As these principles do not create a statutory obligation for Members, the Standards Board cannot accept allegations that they have been breached. However, you should be aware that a failure to act in accordance with these general principles may amount to a breach of the Code of Conduct. For example, by placing yourself in situations where your honesty and integrity may be questioned, your conduct may be 'conduct which could reasonably be regarded as bringing a Member's office or authority into dispute'.

The Ten General Principles of Public Life

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

Honesty and integrity – 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 – Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability – 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 – 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.

Personal judgement – Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others – 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.

Duty to uphold the law – Members should uphold the law and on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship – Members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.

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

Part 1

General Provisions

1 Introduction and interpretation

- (1) This Code applies to you as a Member of an authority.
 - (2) You should read this Code together with the general principles prescribed by the Secretary of State.
 - (3) It is your responsibility to comply with the provisions of this Code.
 - (4) In this Code –
 - "meeting" means any meeting of –
 - (a) the authority;
 - (b) the executive of the authority;
 - (c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;
 - (d) Members with other Members and/or with officers relating to the discharge of the authority's functions including informal meetings.
- "Member" includes a co-opted Member and an appointed Member.**

2 Scope

- (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you –
 - (a) conduct the business of your authority (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 your authority,and references to your official capacity are construed accordingly.
- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

- (4) **Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (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).**
- (5) **Where you act as a representative of your authority –**
 - (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 your authority'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

Every elected Member has an over-riding duty as a Member to the whole local community and to act in the public interest.

Elected Members have a special duty to their constituents, including to those who did not vote for them.

- (1) **You must treat others with respect** and consideration, regardless of their race, age, religion, gender, sexual orientation or disability.
- (2) **You must not –**
 - (a) **do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);**
 - (b) **bully any person;**
 - (c) **intimidate or attempt to intimidate any person who is or is likely to be –**
 - (i) **a complainant,**
 - (ii) **a witness, or**
 - (iii) **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**
 - (d) **do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.**

- (3) Both you and officers are servants of the public, and are indispensable to one another but the responsibilities are distinct. As Members you are responsible to the electorate and serve only so long as your term of office lasts. Officers are responsible to the Council. Their job is to give advice to the authority and Members, and to carry out the authority's work under the direction and control of the Council, its Panels, Scrutiny Boards and Cabinet. More junior officers are responsible to their heads of service. Where Council functions have been outsourced, the organisation carrying out the function and its employees work under the terms of the relevant contract and the general direction of the Council. You should not seek to influence their decisions in a way which would be inappropriate had the function been retained.
- (4) Mutual respect between you and officers is essential to good local government. Close personal familiarity between individual Members and officers can damage this relationship and prove embarrassing to other Members and officers.
- (5) The law and standing orders lay down rules for the appointment, discipline and dismissal of staff. You must ensure that you observe these scrupulously at all times. Special rules apply to the appointment of assistants to political groups. In all other circumstances, if you are called upon to take part in appointing an officer, the only question which you should consider is which candidate would best serve the whole authority. You should not let your political or personal preferences influence your judgement. You should not canvass the support of colleagues for any candidate and should resist any attempt by others to canvass theirs. In consequence, you should not normally provide references in support of applications for employment by the authority if you are actually engaged in the recruitment process.

4 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.**

5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

Acting or causing the authority to act unlawfully, in such a manner as would give rise to a finding of maladministration, in breach of any undertaking which the authority has given, or for the advantage of any particular person or interest rather than in the public interest, would be likely to bring you, your office or the authority into disrepute.

You should report through the authority's "Whistle Blowing" procedure or direct to the proper authority, any conduct by any other person which you believe involves or is likely to involve criminal behaviour.

6 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 your authority –**
 - (i) **act prudently and in accordance with your authority's reasonable requirements;**
 - (ii) **ensure that such resources are not used improperly for political purposes (including party political purposes); and are not made available to a registered political party except upon the same commercial terms upon which they are available to any other registered political party.**
 - (iii) **ensure that the resources of the authority are not used improperly for your own private purposes, your family or persons with whom you have a close association.**
 - (iv) **ensure that any facilities (such as transport, stationery, or secretarial services) provided by the authority for your use in your duties as a Member are used strictly for those duties and for no other purpose, except where the authority has**

specifically permitted limited private use in circumstances which do not cause significant additional cost to the authority.

- (c) **must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.**
- (d) must never seek or accept preferential treatment in dealings with the authority because of your position as a Member. You must also avoid placing yourself in a position that could lead the public to think that you were receiving preferential treatment: for instance, by being in substantial arrears to the authority, or by using your position to discuss a planning application personally with officers when other members of the public would not have the opportunity to do so. Likewise, you must never use your position as a Member to seek preferential treatment for your family or those with whom you have a close association or any firm or body with which you are personally connected.
- (e) must reach decisions on the basis of the merits of the particular case and in the public interest.

- 7 (1) **When reaching decisions on any matter you must have regard to any relevant advice provided to you by any officer of the authority but in particular –**
- (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.**
- (3) You must have regard to the authority's obligations under the Human Rights Act 1998.

Part 2

Interests

8 Personal interests

You must in all matters consider whether you have a personal interest, and whether this Code of Conduct requires you to disclose that interest.

You must exercise personal responsibility in deciding whether you have a personal interest such that you should disclose it. You may seek advice from the authority's Monitoring Officer and must have regard to any advice from the Council's Standards Committee.

- (1) You have a personal interest in any business of your authority where either –**
- (a) it relates to or is likely to affect –**
 - (i) 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;**
 - (ii) any body –**
 - (aa) exercising functions of a public nature;**
 - (bb) directed to charitable purposes; or**
 - (cc) 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;
 - (iii) any employment or business carried on by you;**
 - (iv) any person or body who employs or has appointed you;**
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;**
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);**
 - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);**
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;**
 - (ix) any land in your authority's area in which you have a beneficial interest;**
 - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which**

you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

(xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

(2) In sub-paragraph (1)(b), a relevant person is –

(a) a member of your family or any person with whom you have a close association; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

9 Disclosure of personal interests

(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority 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.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), 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.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of Members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.**
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority 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.**
- (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.**

10 Prejudicial interest generally

- (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment of the public interest.**
- (2) You do not have a prejudicial interest in any business of the authority where that business –**
 - (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;**
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or**
 - (d) relates to the functions of your authority in respect of –**
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;**
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;**
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;**
 - (iv) an allowance, payment or indemnity given to Members;**

- (v) any ceremonial honour given to Members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

11 Prejudicial interests arising in relation to overview and scrutiny committees

You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where –

- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

12 Effect of prejudicial interests on participation

(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority –

- (a) you must withdraw from the room or chamber where a meeting considering the business is being held –
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee;

- (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business,

provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

- (3) You must never do anything as a Member which you could not justify to the public.
- (4) It is not enough to avoid actual impropriety. You must at all times seek to avoid any occasion for suspicion and any appearance of improper conduct.
- (5) You should not seek, or accept, a position of leadership within the authority, such as the position of Leader, membership of the Cabinet or Chair of one of its Panels, if you, or any body with which you are associated has a substantial financial interest in, or is closely related to, the business or affairs of the authority.

Part 3

Registration of Members' Interests

13 Registration of Members' interests

- (1) **Subject to paragraph 14, you must, within 28 days of –**
 - (a) **this Code being adopted by or applied to your authority; or**
 - (b) **your election or appointment to office (where that is later),**

register in your authority's register of Members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's Monitoring Officer.

- (2) **Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's Monitoring Officer.**

14 Sensitive information

- (1) **Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's Monitoring Officer agrees, you need not include that information when**

registering that interest, or, as the case may be, a change to that interest under paragraph 13.

- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's Monitoring Officer asking that the information be included in your authority's register of Members' interests.**
- (3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.**

Part 4

Miscellaneous

15 Expenses/Allowances and other matters

- (1) You are required to make yourself fully aware of all the rules governing the payment of expenses and allowances and the availability of other support from the authority and must undertake to abide fully by those rules.

16 Protocols

- (1) Appended to this Code of Conduct are various protocols that have been adopted by the authority as supplementary guidance for Members. These protocols do not form part of this Code of Conduct, but you are required by the authority to comply with these protocols and the authority has authorised the Standards Committee to take appropriate action and apply appropriate sanctions to any Member who acts in breach of these protocols.
- (2) The authority has approved the following protocols which, whilst not forming part of this Code of Conduct, provide additional guidance in relation to:-
 - (i) Member/Officer Relations
 - (ii) Town Planning Matters