

**17 April 2013****Agenda Item: 7****REPORT OF THE CORPORATE DIRECTOR, POLICY, PLANNING AND  
CORPORATE SERVICES****CODE OF CONDUCT AND DECLARATIONS OF INTEREST****Purpose of the Report**

1. To explain how the County Council's Code of Conduct and requirements to declare interests will apply to the Health and Wellbeing Board, and report on discussion at the workshop on 27 March 2012.

**Information and Advice**

2. A report to the Board on 6 March 2013 indicated that the recently published regulations were silent about whether the Councillors' Code of Conduct would apply to the whole membership of the Board. Guidance was awaited to clarify this.
3. Guidance has now been issued by the Local Government Association and Association of Democratic Services Officers, making clear that "all voting members of health and wellbeing boards will be covered by the local authority's code of conduct".
4. The Health and Wellbeing Board workshop on 27 March discussed the County Council's Code of Conduct and arrangements for registering and declaring interests. Discussion at the workshop is reflected in the following paragraphs.
5. The Code of Conduct places emphasis on individuals' personal responsibility to abide by the seven "Nolan" principles for standards in public life, to register and declare their interests, and behave in a transparent and accountable manner.
6. The Code requires Board members to register their disclosable pecuniary interests (DPIs), to declare them at meetings where relevant and to refrain from discussion and voting where a matter on the agenda relates to that interest. Consideration is being given to the most effective way ensuring that Board members can participate as fully as possible in meetings.
7. Board members would usually be expected to register their home address as one of their DPIs. There is however scope to withhold "sensitive interests" from publication if disclosure would lead to violence or intimidation. In discussion at the workshop, some Board members were of the view that they would not wish

their home address to be published. The Monitoring Officer will individually consider requests from Board members if they wish their home address to be regarded as sensitive interests.

8. As well as disclosable pecuniary interests, Board members may have private interests which they should declare in meetings and would be recorded in the minutes. These could be non-pecuniary interests of any kind, or the pecuniary interests of wider family or friends.
9. Substitutes registering and declaring their interests was also discussed at the workshop. Board members are permitted to nominate substitutes to attend meetings in their absence. As these substitutes would be voting members of the Board, the requirements to comply with the Code of Conduct would apply to them. In order that substitutes can have prior knowledge of the Code and have registered their DPs in advance of meetings, it was felt appropriate for Board members to nominate one or two substitutes. The County Council's Monitoring Officer has subsequently considered the matter, and is of the view that Board members should nominate one substitute.
10. There was also some discussion about who might best serve as substitute members. It was recognised that this was a decision for the nominating organisation, but that there were benefits for the Board in ensuring that the clinical viewpoint is well represented at meetings.
11. It was also felt that the range of substitutes for the two District Council representatives should be reconsidered. One option would be that each of the seven District Councils would have a named member who could be called on as a substitute if necessary.
12. The Code of Conduct requires interests to be registered within 28 days of taking office. For Board members, the deadline is therefore 28 April. In order that Board members may register their interests before the meeting on 17 April, guidance about the Code and related forms have already been sent to the non-County Councillor members.
13. Board members are encouraged to contact Democratic Services, in advance of meetings if possible, if they have any queries about the Code of Conduct or declarations of interest.

### **Other Options Considered**

None.

### **Reason/s for Recommendation/s**

To brief Board members on the Code of Conduct and declarations of interests.

### **Statutory and Policy Implications**

This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder and users. Where such implications are material, they have been brought out in the text of the report.

## **RECOMMENDATION/S**

That the Code of Conduct requirements for Board members, and the arrangements for registering and declaring interests, be noted.

**Jayne Francis-Ward**  
**Corporate Director, Policy, Planning and Corporate Services**

**For any enquiries about this report please contact:**  
Paul Davies, Democratic Services ext 73299

### **Constitutional Comments**

As the report is for noting only, constitutional comments are not required.

### **Financial Comments (NR 8.4.13)**

There are no financial implications arising directly from this report.

### **Background Papers**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- a. Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013
- b. Health and Wellbeing Boards: A Practical Guide to Governance and Constitutional Issues, LGA/ADSO, March 2013

### **Electoral Division(s) and Member(s) Affected**

All.



### **NOTTINGHAMSHIRE COUNTY COUNCIL**

### **CODE OF CONDUCT FOR COUNCILLORS AND COOPTED MEMBERS**

#### **INTRODUCTION**

1. The public is entitled to expect the highest standards of conduct from all Councillors and co-opted members of the County Council.
2. The Code sets out the standards of service that are expected from Councillors and co-opted members of the Council. In particular, Councillors and co-opted members should act in an open and transparent manner and should not do anything which would prejudice the reputation of the Council.
3. It is important Councillors and co-opted members understand their position as regards standards of conduct, and if in any doubt should seek guidance. This is because in some circumstances a breach of the Code could be a criminal offence and because any person could make a complaint to the Council if they believe a Councillor or co-opted member has breached the Code.
4. This Code is adopted in accordance with Section 27(2) of the Localism Act 2011.

#### **UNDERLYING PRINCIPLES**

5. As a Councillor or co-opted member of the Council you must have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

#### **GENERAL CONDUCT**

6. Accordingly, when acting in your capacity as a Councillor or co-opted member:
  - a. You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate;
  - b. You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties;
  - c. When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit;
  - d. You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office;

- e. You must be as open as possible about your decisions and actions and the decisions and actions of the Council and should be prepared to give reasons for those decisions and actions;
- f. You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the box below;
- g. You must, when using or authorising the use by others of the resources of the Council, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986;
- h. You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example

## **REGISTERING AND DECLARING PECUNIARY AND NON-PECUNIARY INTERESTS**

- 7. You must, within 28 days of taking office as a Councillor or co-opted member, notify the Council's Monitoring Officer of any Disclosable Pecuniary Interest (we have set out the definition of a Disclosable Pecuniary Interest in the Annex to this Code), where the pecuniary interest is yours, or that of your spouse, civil partner, or a person you are cohabiting with.
- 8. You must declare any Disclosable Pecuniary Interests and private interests, both pecuniary and non-pecuniary, to any meeting of the Council at which you are present and have an interest in any matter being considered.
- 9. If the interest being declared is a "sensitive interest" you only have to disclose the fact you have an interest but do not need to disclose the nature of the interest.
- 10. Following any disclosure of a Disclosable Pecuniary Interest not on the Council's register, you must notify the Monitoring Officer of the interest within 28 days of the date of disclosure.
- 11. Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a Disclosable Pecuniary Interest.
- 12. Additionally, you are required to leave the room in which the meeting is being held whilst the matter is under consideration in accordance with the Council and Committee procedure rules, paragraphs 17 and 12 respectively.

## **SENSITIVE INTEREST**

13. Where you are concerned that the disclosure of an interest would lead to you or a person connected with you being subject to violence or intimidation, you may request the Monitoring Officer to agree that the interest is a “sensitive interest”.
14. If the Monitoring Officer agrees, then you merely have to disclose the existence of the interest rather than the detail of it, at a meeting, and the Monitoring Officer can exclude the detail of the interest from the Council’s publicly available version of the register.
15. You must, within 28 days of becoming aware of any change of circumstances which means that information excluded is no longer a “sensitive interest”, notify the Council’s Monitoring Officer in writing.

## ANNEX

### DISCLOSABLE PECUNIARY INTERESTS

Interest	Prescribed description
Employment, office, trade, profession or vocation	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 Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses.</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.</p>
Contracts	<p>Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council</p> <ul style="list-style-type: none"> <li>(a) under which goods or services are to be provided or works are to be executed; and</li> <li>(b) which has not been fully discharged</li> </ul>
Land	<p>Any beneficial interest in land which is within the Council's area.</p> <p>For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.</p>
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	<p>Any tenancy where (to your knowledge) –</p> <ul style="list-style-type: none"> <li>(a) the landlord is the Council; and</li> <li>(b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a</li> </ul>



	spouse or civil partner has a beneficial interest
Securities	<p>Any beneficial interest in securities of a body where –</p> <p>(a) that body (to your knowledge) has a place of business or land in the Council's area; and</p> <p>(b) either –</p> <p>i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>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 you, your spouse or civil partner or person with whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p> <p>For this purpose, "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.</p>