

Report of the Standards Committee

The STANDARDS COMMITTEE reports and recommends as follows: -

1. Review of Members' Code of Conduct

That at its meeting on 12 September 2023, the Committee gave consideration to a report of the Assistant Director of Law and Governance (Appendix 1), which invited Members to review the current Code of Conduct and to determine whether they wished to propose any amendments. (NB copies of the appendices referred to in the report can viewed via the following link [Meetings and Events \(sunderland.gov.uk\)](https://sunderland.gov.uk/Meetings-and-Events))

The Committee resolved that: -

- i.) it be recommended that Council amend the Code of Conduct as shown in Appendix 3 to the report subject to additional amendments to provide for: -
 - A footnote in relation to the second introductory paragraph indicating examples of when the code may apply,
 - a specific requirement in paragraph 2 that 'You must comply with the provisions of the Equality Act 2010'
- ii.) the current descriptions of the Seven Principles of Public Life be retained, and the Code be amended accordingly;
- iii.) no changes be made to the Code in relation to the provisions for registration and declaration of interests.

A copy of the tracked version of the updated Code showing the amendments recommended to Council by the Standards Committee is attached at Appendix 2 and for ease of reference, a clean copy of the proposed Code is attached at Appendix 3.

Accordingly, the Standards Committee recommends to Council that the amended Code of Conduct be approved.

REPORT TO STANDARDS COMMITTEE

12th SEPTEMBER 2023

REVIEW OF MEMBERS' CODE OF CONDUCT

REPORT OF THE ASSISTANT DIRECTOR OF LAW AND GOVERNANCE

1. Introduction

1.1 The purpose of this report is to invite the Committee to review the current Code of Conduct and consider whether it wishes to propose any amendments. Any amendments will be referred to Council for approval.

1.2 The Arrangements for Dealing with Complaints will be brought to a future meeting of the Committee for review.

2. Background

2.1 The Code was last updated in 2020, in order to incorporate a reference to adopting the International Holocaust Remembrance Alliance working definition of antisemitism. Since then, the LGA has published a suggested Model Code which members may wish to consider.

2.2 It is for the Council to determine its own Code of Conduct. There is no obligation to adopt the LGA Model Code, although the Council may do so if it wishes. Alternatively, the Council may adopt the LGA Model Code with "local" modifications, or it may simply consider the terms of the Model Code and make such changes as it considers appropriate to its existing Code. The Council may also determine that no amendments to the Council's Code should be made at this time.

2.3 The Council's existing Code of Conduct is attached at Appendix 1 to this report and the LGA Model Code is shown at Appendix 2. Suggested amendments to the Council's Code for the Committee's consideration are shown as tracked changes at Appendix 3, should the Committee decide that its preferred approach is to amend the existing Code.

3. LGA Model Code of Conduct

3.1 The style of the LGA Model Code is somewhat different to the Council's Code of Conduct. The Council's Code is expressed in the second person, including requirements that "You must..." "You must not..." etc. Any guidance on the application and interpretation of those provisions is provided in supplementary documents such as e-mails or briefing notes, generally sent by the Monitoring Officer, which do not form part of the Code of Conduct.

3.2 The LGA Model Code is expressed in a mixture of first-person obligations in bold type as "**I will...**" "**I do not...**" etc. which are supplemented by guidance on the application and interpretation of the obligations, which is expressed in the second

person and built into the Code itself. On this basis, any updates or amendments to the associated guidance would also need to be approved by Council, as they would amount to an amendment to the Code itself.

3.3 In respect of the “General Conduct” obligations in the LGA Model Code, the following observations are made:

3.3.1 Respect

3.3.1.1 Both the LGA Model Code and the Council’s Code include provisions regarding treating others with respect. Whereas the Council’s Code states that this includes Council officers and members, the LGA also expressly refers to members of the public, then goes on to refer to employees and representatives of partner organisations and those volunteering for the local authority. It is not entirely clear what group of people would fall within the category of “volunteering for the local authority” as opposed to volunteering more generally.

3.3.1.2 Members may wish to consider whether specifically identifying additional categories of persons to whom respect should be shown would add any value to the current provisions in the Council’s Code, or whether the current provisions are sufficient to convey the importance of treating all persons with respect.

3.3.2 Bullying, harassment and discrimination

3.3.2.1 The Council’s Code includes provision in respect of bullying. Harassment is not expressly referred to, nor is there express reference to equalities and non-discrimination.

3.3.2.2 Suggested amendments to cover these areas are shown as tracked changes at Appendix 3.

3.3.3 Impartiality of officers of the Council

3.3.3.1 The provisions in the Model Code and Council’s Code are in similar terms.

3.3.4 Confidentiality and Access to Information

3.3.4.1 While much of the suggested provision in the Model Code is in similar terms to the Council’s Code, the Model Code contains an additional requirement that where a member is proposing to disclose information of a confidential nature, as well as the disclosure being reasonable and in the public interest, made in good faith and in compliance with the reasonable requirements of the authority, the member should also have consulted the Monitoring Officer prior to its release.

3.3.4.2 It is recommended that members include this additional provision in the Council’s Code of Conduct. The provision does not require the member concerned to accept the advice of the Monitoring Officer (although if they act contrary to that advice, it is to be expected that they would be more likely to be in breach of the Code) however including this provision may help serve as a reminder to members of

the importance of using proper channels and appropriate procedures when they genuinely have concerns about matters which they believe should be disclosed. Consulting the Monitoring officer would provide an opportunity for the member to be briefed regarding whether there were other more appropriate methods of raising any concern they may have.

3.3.4.3 The Model Code also includes a provision that a member should not improperly use information they have gained as a result of their role as a councillor to advance themselves, other persons connected with them, or their business interests.

3.3.4.4 It is recommended that a similar provision be included in the Council's Code, in the interests of public confidence that members are acting to serve the wider public interest, rather than those of themselves or their associates. Appropriate amendments are suggested at Appendix 3.

3.3.5 Disrepute

3.3.5.1 The Model Code provision is that a member does not bring their role or local authority into disrepute, which arguably suggests that for a breach of this provision to be established, it is necessary to demonstrate that either the member's role or the Council was, in fact, brought into disrepute. The provision in the Council's Code is that a member should not conduct themselves in a manner which could "reasonably be regarded" as bringing the Council, or their office as member, into disrepute. It is suggested that the Council's version is to be preferred.

3.3.6 Use of Position

3.3.6.1 A similar provision is included in the Council's Code of Conduct, which it is suggested should be enhanced, as referred to in paragraphs 3.3.4.3 and 3.3.4.4 of this report.

3.3.7 Use of Local Authority Resources and Facilities

3.3.7.1 A similar provision is included in the Council's Code of Conduct.

3.3.8 Complying with the Code of Conduct

3.3.8.1 The Council's Code contains a similar provision to that at 8.3 of the LGA Model Code, which prohibits intimidation or attempted intimidation of a person who is involved with the administration of, or the investigation of, a complaint. There are however additional provisions in the Model Code to undertake Code of Conduct training, co-operate with any Code of Conduct investigation or determination and to comply with any sanction imposed following a breach.

3.3.8.2 Members may wish to consider including provisions in the Code to require co-operation with investigations and sanctions imposed. It should be relatively clear when a member is failing to comply with an ongoing process or to comply with a sanction imposed.

3.3.8.3 While it is important that members attend relevant training on the Code of Conduct, a Code obligation to undertake training may raise issues in respect of what level of “failure to attend” amounts to a breach. For example, how many training opportunities would need to be missed before a potential breach arose? Nevertheless, despite any potential difficulties in identifying the circumstances that may amount to a breach, members may consider that these are not unsurmountable and that if an allegation was made, account would be taken of the surrounding circumstances. Suggested provision has been set out at Appendix 3, regarding which members views are sought.

3.4 Protecting your Reputation and the Reputation of the Council

In respect of the obligations in the Model Code regarding protecting the reputation of members and the Council, the following observations are made.

3.4.1 Registration and Disclosure of Interests

- 3.4.1.1 The provisions of the Model Code regarding registration and declaration of interests are set out in paragraph 9 and Appendix B of the Model Code and are arguably more complex than the provisions of the Council’s Code. The Council’s Code requires registration and declaration of Disclosable Pecuniary Interests (DPIs) and gifts and hospitality of a value of £50 and over. The Model Code also imposes requirements in respect of what are described as “Other Registrable Interests”, which are
- unpaid directorships,
 - membership of, or the holding of a position of management or control in, a body to which the member is appointed or nominated by the Council,
 - any other body exercising functions of a public nature, or directed to charitable purposes, or a body, one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).

3.4.1.2 The Model Code provides that such interests must be registered and where a matter at a meeting “directly relates” to the financial interest or wellbeing of one of a member’s Other Registrable Interests, it must be disclosed. If members of the public are allowed to speak on the matter, the member may do likewise, however they must not otherwise take any part in the discussion or vote and must not remain in the room, unless they have a dispensation to do so.

3.4.1.3 There is also a further category of “Non-Registrable Interests” under which members are required to declare an interest if a matter at a meeting “directly relates” to their financial interest or well-being (and is not already a DPI) or a financial interest or well-being of a close associate. The member may speak if a member of the public is allowed to speak on the matter, but may not take part in any discussion or vote on the matter or remain in the room, unless granted a dispensation.

3.4.1.4 The Model Code then goes on to make further provision for the situation where a matter at a meeting “affects”, (as opposed to “directly relates to”) the

member's financial interest or well-being, the financial interest or wellbeing of a relative or close associate, or the financial interest or wellbeing of a body included in the "Other Registrable Interests" categories. A member must disclose the interest and apply a test set out at paragraph 9 of the Model Code, to determine whether they can remain in the meeting. This test requires the consideration of whether the interest affects the financial interest or well-being of the member to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and whether a reasonable member of the public, knowing all the facts, would believe that it would affect the member's view of the wider public interest.

3.3.9.4 Whilst the Council's current Code does not include provisions regarding "Other Registrable Interests" and "Non-Registrable Interests", considerations regarding the appearance of bias are relevant when members are attending meetings and making decisions and this topic is included in training provided to members. As a result, for example, clear advice is given that members who are also members or directors / trustees etc. of organisations that are applying for funding from the Council, should declare the interest and leave the room. This is important because if a member took part in decisions in which they have a potential conflict of interest, arguably, they may expose themselves to an allegation that they had used their position improperly to gain an advantage or disadvantage, and/or that they were bringing their office or the Council into disrepute. In addition, certain decisions may be subject to challenge if the member concerned had taken part in their consideration.

3.3.9.5 The practice at the Council has been that in respect of all interests, whether DPIs or other interests, when considering whether to participate in a meeting considering a particular matter, members are advised to ask themselves whether a reasonable member of the public might think that their judgement could be affected. Would a fair minded and informed observer, having considered the facts, conclude that a real possibility of bias exists?

3.3.9.6 This approach has worked well to date. Members identify areas where they may need to declare an interest and / or leave the room while a matter is being considered and if in doubt, they seek advice. There is no evidence to suggest that there are any issues or concerns with members participating in decision making on matters regarding which they have a conflict of interest. It is therefore suggested that paragraphs 13-18 of the Council's Code of Conduct as per the draft at Appendix 3 are sufficient. Nevertheless, the Committee may wish to consider whether it wishes to recommend a different approach to the registration and declaration of interests, in line with that suggested in the Model Code.

3.4.2 Gifts and hospitality

3.3.10.1 Similar provision is included in the Council's Code of Conduct.

4. Nolan Principles

4.1 The "Seven Principles of Public Life" or "Nolan Principles" are not referred to by those titles in the legislation relating to the Code of Conduct. The Localism Act 2011

simply requires the Code to be consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. These are however the principles commonly referred to as the “Nolan Principles”.

4.2 The preamble to the Council's Code states that the Code is intended to be consistent with Nolan's Seven Principles of Public Life and should be read in the light of them. Annex 1 of the Code sets out, for information, the more detailed description of the principles, as those descriptions were when the Code was originally adopted.

4.3 Since adoption of the Council's Code, the descriptions attached to the Seven Principles of Public Life have been amended and now read as set out in Appendix A of the LGA Model Code.

4.4 It would be possible to continue to use the original description of the principles, but if so, it would be preferable and more accurate not to refer to them as Nolan's Seven Principles of Public Life.

4.5 It is recommended that the Annex to the Council's Code is either amended to reflect the updated descriptions of the Principles or, if the Committee prefers the original descriptions of the Principles, that the Code is amended to remove the reference to Nolan's Seven Principles of Public Life. The Code would continue to recite that it is intended to be consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. This would still be compliant with the legislation.

5. Recommendations

5.1 The Standards Committee is recommended to consider:

5.1.1 recommending Council to amend the Code of Conduct as shown in Appendix 3;

5.1.2 whether to update the descriptions of the Seven Principles of Public Life as set out in the LGA Model Code or to retain the current descriptions and amend the Code accordingly;

5.1.3 whether to propose changes to the Code to the provisions for registration and declaration of interests;

5.1.4 any further amendments it wishes to propose to the Code of Conduct or;

5.1.5 whether to take a different approach to amendment of the Council's Code to that proposed in the Report, such as to adopt the LGA Model Code in its entirety.

Background Papers

Sunderland City Council Code of Conduct
LGA Model Code of Conduct

Code of Conduct for Members

The Council of the City of Sunderland ("the Council") has adopted the following Code which took effect from 1 July 2012 and which was most recently amended on 27 March 2013 [date] and which sets out the conduct that is expected of elected and co-opted Members of the Council when they are acting in that capacity.

This means the Code applies whenever you (a) conduct the business of the Council (including the business of your office as an elected Councillor or co-opted Member) or (b) act, claim to act or give the impression you are acting as a representative of the Council. (For further guidance on "capacity" see explanatory note¹ below.)

'Co-opted Member' means any person who is a Member of any Committee or Sub-Committee of the Council with a right to vote but is not one of its elected Members.

The Code is intended to be consistent with the following principles ~~Nolan's Seven Principles of Public Life~~ and should be read in the light of those principles, namely that Council Members will act with selflessness, integrity, objectivity, accountability, openness, honesty and leadership. ~~These~~ ~~ese~~ ~~se~~ ~~P~~ principles are not part of this Code but descriptions of the behaviour the Council considers to be encompassed by the principles are set out ~~in full~~ at Annex 1 for information.

In addition, the Council adopts the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism (set out in explanatory note² below) and associated examples, where relevant in the consideration and any investigation of an allegation of a breach of this Code. The associated examples can be found at <https://www.holocaustremembrance.com/working-definition-antisemitism>

General Conduct

1. You must treat others with respect, including Council officers and other elected Members.
2. You should comply with the Equality Act 2010 and any other equalities legislation and not discriminate unlawfully against any person.
- ~~3.~~ You must not bully or harass any person (including specifically any Council employee). ~~and you must not intimidate or improperly influence or attempt to intimidate or improperly influence any person who is involved in any complaint about any alleged breach of this Code of Conduct.~~
4. You must not do anything which compromises or is likely to compromise the impartiality of anyone who works for or on behalf of the Council.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council, or your office as a Member of the Council, into disrepute.

6. You must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person any advantage or disadvantage. You should not improperly use knowledge gained solely as a result of your role as a councillor for the advancement of yourself, your friends, your family members, your employer or your business interests.
7. You must comply with any Protocol adopted by the Council which seeks to regulate the conduct of its elected Members or co-opted Members and which the Council has specifically declared should fall within the provisions of this Code of Conduct and which is listed in the annex to this Code.
8. When using or authorising the use by others of the resources of the Council, you must act in accordance with the Council's reasonable requirements (as set out in such protocol as it may adopt from time to time for these purposes) and must ensure they are not used for party political purposes.
9. You must not prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law.
10. You must not disclose information which is given to you in confidence, or information which you believe or ought reasonably to be aware is of a confidential nature, unless:
 - a) You have the consent of a person authorised to give it; or
 - b) You are required by law to do so; or
 - 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, and in the public interest and made in good faith and you have consulted the Monitoring Officer prior to its release.
11. Where you have been involved in making any decision by the Council which is subsequently subject to scrutiny by an Overview and Scrutiny Committee of the Council, you must not take part in that scrutiny process except to the extent you may be invited by the Committee to give evidence to, or otherwise assist, it. In this paragraph, 'scrutiny' means the formal examination of a policy or decision previously approved or taken by or on behalf of the Council in order to reach a view as to its merits or effectiveness.
12. You should undertake Code of Conduct training provided by the Council wherever reasonably possible and if you are unable to attend scheduled formal training sessions, should make reasonable efforts to attend any follow-up sessions or individual briefing sessions offered to you. You must comply and engage and co-operate with any Code of Conduct investigation and/or determination, including compliance with any sanction imposed on you following a finding that you have breached the Code of Conduct. You must not intimidate or improperly influence or attempt to intimidate or improperly

influence any person who is involved in any complaint about any alleged breach of this Code of Conduct.

Registration of Interests

13. Subject to paragraph 14.2, you must register in the Council's Register of Members' Interests information about your personal interests. In this Code of Conduct 'your personal interests' means:

(a) any 'Disclosable Pecuniary Interest' (as defined by regulations made from time to time by the Secretary of State) which you know about and which is held by

(1) you, or

(2) your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you were civil partners.

(b) any person or organisation from whom you have received an offer of a gift or hospitality with an estimated value of £50 or more (whether or not you accept the offer) which is attributable to your position as an elected or co-opted Member of the Council. In addition to recording the identity of the person or organisation who made the offer, you should record the nature of the gift or hospitality.

(Note: Paragraph 13.4(b) relates only to your interests and not those of your spouse or civil partner)

- (c) You must register information about your personal interests by giving written notice to the Monitoring Officer, who maintains the Register, within 28 days of:
- your appointment as a Member of the Council; and
 - any change taking place in your personal interests.

(Note: Failure without reasonable excuse to register a Disclosable Pecuniary Interest is a criminal offence under section 34 Localism Act 2011 as well as being a breach of this Code. A list of Disclosable Pecuniary Interests as currently defined by regulations is set out in Annex 2)

14. Where you think that disclosure of the details of any of your personal interests could lead to you, or a person connected with you, being subject to violence or intimidation, you may inform the Monitoring Officer; and if the Monitoring Officer agrees, a note will be made in the Register to the effect that you have a personal interest, details of which are withheld under Section 32 of the Localism Act 2011.

Declaration of Interests

15. When you attend a meeting of the Council or Cabinet, or one of their Committees or Sub-Committees, and you are, or ought reasonably to be, aware that any of your Disclosable Pecuniary Interests are relevant to an item of business which is being considered, then unless the interest is one which has been noted under paragraph 14, you must disclose to that meeting the existence and nature of that interest at the start of that item of business, or when the interest becomes apparent, if later.
16. When you attend a meeting of the Council or Cabinet, or one of their Committees or Sub-Committees, and you are aware that you have a Disclosable Pecuniary Interest in any matter to be considered, or being considered at that meeting, you may not (unless you have a relevant dispensation granted under section 33 of the Localism Act 2011):
 - a) participate (or further participate) in any discussion of the matter at the meeting; or
 - b) participate in any vote (or further vote) taken on the matter at the meeting.
17. If a function of the Council can be discharged by you as a Member acting alone and you are aware you have a Disclosable Pecuniary Interest in any matter to be dealt with by you in the course of discharging that function, 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 paragraph 16 4 or 17 5 is a criminal offence under section 34 Localism Act 2011 as well as being a breach of this Code)
18. You must comply with any standing order adopted by the Council which requires Members to leave the room during any meeting at which a matter in which they have a Disclosable Pecuniary Interest is being discussed.

Explanatory Notes:

- ¹ *The Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:*
- *You misuse your position as a councillor.*
 - *Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.*

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

- *At face to face meetings*
- *At online or telephone meetings*
- *In written communication*

- *In verbal communication*
- *In non-verbal communication*
- *In electronic and social media communication, posts, statements and comments*

² *“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”*

**Description of the Principles Relevant to the Code of Conduct and
Members' Behaviour**

Selflessness

Holders of public office should take decisions 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 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.

Disclosable Pecuniary Interests
(as defined by regulations made by the Secretary of State under section 30
Localism Act 2011 (the Regulations))

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 relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

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 which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Council —

- (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 - Any beneficial interest in land which is within the area of the relevant authority.

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

Corporate tenancies - Any tenancy where (to M's knowledge)—

- (a) the landlord is the relevant authority; and
- (b) the tenant is a body in which the relevant person has a beneficial interest.

Securities - Any beneficial interest in securities of a body where—

- (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and
- (b) 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) 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 the relevant person

has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Note: These descriptions of interests are subject to the following definitions;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“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;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“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.

Associated Protocols

The Council has adopted the following Protocols which are intended to regulate the conduct of its elected members or co-opted members and which the Council has specifically declared should fall within the provisions of this code of conduct pursuant to paragraph 6 of the code:

Protocol on Member / Employee Relations

Protocol for Members in relation to Development Control Matters.

Protocol on the use of Civic Cars

Protocol for Members in relation to Licensing Matters

Protocol for Members and Voting Co-opted Members – Use of Council Resources and Equipment

Guidance for Members in Relation to the Use of Council ICT Facilities

Protocol for Use of Member Websites

Remote intranet / Internet Access for Members

Protocol in Relation to Members' Business Dealings with the Council

Code of Conduct for Members

The Council of the City of Sunderland (“the Council”) has adopted the following Code which took effect from 1 July 2012 and which was most recently amended on [date] and which sets out the conduct that is expected of elected and co-opted Members of the Council when they are acting in that capacity.

This means the Code applies whenever you (a) conduct the business of the Council (including the business of your office as an elected Councillor or co-opted Member) or (b) act, claim to act or give the impression you are acting as a representative of the Council. (For further guidance on “capacity” see explanatory note¹ below.)

‘Co-opted Member’ means any person who is a Member of any Committee or Sub-Committee of the Council with a right to vote but is not one of its elected Members.

The Code is intended to be consistent with the following principles and should be read in the light of those principles, namely that Council Members will act with selflessness, integrity, objectivity, accountability, openness, honesty and leadership. These principles are not part of this Code but descriptions of the behaviour the Council considers to be encompassed by the principles are set out at Annex 1 for information.

In addition, the Council adopts the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism (set out in explanatory note² below) and associated examples, where relevant in the consideration and any investigation of an allegation of a breach of this Code. The associated examples can be found at <https://www.holocaustremembrance.com/working-definition-antisemitism>

General Conduct

1. You must treat others with respect, including Council officers and other elected Members.
2. You should comply with the Equality Act 2010 and any other equalities legislation and not discriminate unlawfully against any person.
3. You must not bully or harass any person (including specifically any Council employee).
4. You must not do anything which compromises or is likely to compromise the impartiality of anyone who works for or on behalf of the Council.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council, or your office as a Member of the Council, into disrepute.

6. You must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person any advantage or disadvantage. You should not improperly use knowledge gained solely as a result of your role as a councillor for the advancement of yourself, your friends, your family members, your employer or your business interests.
7. You must comply with any Protocol adopted by the Council which seeks to regulate the conduct of its elected Members or co-opted Members and which the Council has specifically declared should fall within the provisions of this Code of Conduct and which is listed in the annex to this Code.
8. When using or authorising the use by others of the resources of the Council, you must act in accordance with the Council's reasonable requirements (as set out in such protocol as it may adopt from time to time for these purposes) and must ensure they are not used for party political purposes.
9. You must not prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law.
10. You must not disclose information which is given to you in confidence, or information which you believe or ought reasonably to be aware is of a confidential nature, unless:
 - a) You have the consent of a person authorised to give it; or
 - b) You are required by law to do so; or
 - 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 and made in good faith and you have consulted the Monitoring Officer prior to its release.
11. Where you have been involved in making any decision by the Council which is subsequently subject to scrutiny by an Overview and Scrutiny Committee of the Council, you must not take part in that scrutiny process except to the extent you may be invited by the Committee to give evidence to, or otherwise assist, it. In this paragraph, 'scrutiny' means the formal examination of a policy or decision previously approved or taken by or on behalf of the Council in order to reach a view as to its merits or effectiveness.
12. You should undertake Code of Conduct training provided by the Council wherever reasonably possible and if you are unable to attend scheduled formal training sessions, should make reasonable efforts to attend any follow-up sessions or individual briefing sessions offered to you. You must comply and engage and co-operate with any Code of Conduct investigation and/or determination, including compliance with any sanction imposed on you following a finding that you have breached the Code of Conduct. You must not intimidate or improperly influence or attempt to intimidate or improperly influence any person who is involved in any complaint about any alleged breach of this Code of Conduct.

Registration of Interests

13. Subject to paragraph 14, you must register in the Council's Register of Members' Interests information about your personal interests. In this Code of Conduct 'your personal interests' means:

(a) any 'Disclosable Pecuniary Interest' (as defined by regulations made from time to time by the Secretary of State) which you know about and which is held by

(1) you, or

(2) your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you were civil partners.

(b) any person or organisation from whom you have received an offer of a gift or hospitality with an estimated value of £50 or more (whether or not you accept the offer) which is attributable to your position as an elected or co-opted Member of the Council. In addition to recording the identity of the person or organisation who made the offer, you should record the nature of the gift or hospitality.

(Note: Paragraph 13 (b) relates only to your interests and not those of your spouse or civil partner)

(c) You must register information about your personal interests by giving written notice to the Monitoring Officer, who maintains the Register, within 28 days of:

- your appointment as a Member of the Council; and
- any change taking place in your personal interests.

(Note: Failure without reasonable excuse to register a Disclosable Pecuniary Interest is a criminal offence under section 34 Localism Act 2011 as well as being a breach of this Code. A list of Disclosable Pecuniary Interests as currently defined by regulations is set out in Annex 2)

14. Where you think that disclosure of the details of any of your personal interests could lead to you, or a person connected with you, being subject to violence or intimidation, you may inform the Monitoring Officer; and if the Monitoring Officer agrees, a note will be made in the Register to the effect that you have a personal interest, details of which are withheld under Section 32 of the Localism Act 2011.

Declaration of Interests

15. When you attend a meeting of the Council or Cabinet, or one of their Committees or Sub-Committees, and you are, or ought reasonably to be, aware that any of your Disclosable Pecuniary Interests are relevant to an item of business which is being considered, then unless the interest is one which has been noted under paragraph 14, you must disclose to that meeting the existence and nature of that interest at the start of that item of business, or when the interest becomes apparent, if later.
16. When you attend a meeting of the Council or Cabinet, or one of their Committees or Sub-Committees, and you are aware that you have a Disclosable Pecuniary Interest in any matter to be considered, or being considered at that meeting, you may not (unless you have a relevant dispensation granted under section 33 of the Localism Act 2011):
 - a) participate (or further participate) in any discussion of the matter at the meeting; or
 - b) participate in any vote (or further vote) taken on the matter at the meeting.
17. If a function of the Council can be discharged by you as a Member acting alone and you are aware you have a Disclosable Pecuniary Interest in any matter to be dealt with by you in the course of discharging that function, 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 paragraph 16 or 17 is a criminal offence under section 34 Localism Act 2011 as well as being a breach of this Code)
18. You must comply with any standing order adopted by the Council which requires Members to leave the room during any meeting at which a matter in which they have a Disclosable Pecuniary Interest is being discussed.

Explanatory Notes:

- ¹ *The Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:*
- *You misuse your position as a councillor.*
 - *Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.*

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

- *At face to face meetings*
- *At online or telephone meetings*
- *In written communication*

- *In verbal communication*
- *In non-verbal communication*
- *In electronic and social media communication, posts, statements and comments*

² *“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”*

**Description of the Principles Relevant to the Code of Conduct and
Members' Behaviour**

Selflessness

Holders of public office should take decisions 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 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.

Disclosable Pecuniary Interests
(as defined by regulations made by the Secretary of State under section 30
Localism Act 2011 (the Regulations))

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 relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

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 which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Council —

- (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 - Any beneficial interest in land which is within the area of the relevant authority.

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

Corporate tenancies - Any tenancy where (to M’s knowledge)—

- (a) the landlord is the relevant authority; and
- (b) the tenant is a body in which the relevant person has a beneficial interest.

Securities - Any beneficial interest in securities of a body where—

- (a) that body (to M’s knowledge) has a place of business or land in the area of the relevant authority; and
- (b) 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) 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 the relevant person

has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Note: These descriptions of interests are subject to the following definitions;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“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;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“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.

Associated Protocols

The Council has adopted the following Protocols which are intended to regulate the conduct of its elected members or co-opted members and which the Council has specifically declared should fall within the provisions of this code of conduct pursuant to paragraph 6 of the code:

Protocol on Member / Employee Relations

Protocol for Members in relation to Development Control Matters.

Protocol on the use of Civic Cars

Protocol for Members in relation to Licensing Matters

Protocol for Members and Voting Co-opted Members – Use of Council Resources and Equipment

Guidance for Members in Relation to the Use of Council ICT Facilities

Protocol for Use of Member Websites

Remote intranet / Internet Access for Members

Protocol in Relation to Members' Business Dealings with the Council

