

LEICESTER CITY COUNCIL
CODE OF CONDUCT FOR MEMBERS
(updated July 2022)

1. Application

The Code of Conduct applies to you whenever you are acting in your capacity as a Member (to include co-opted Members and the Elected Mayor) of Leicester City Council, and it continues to apply to you until you cease to be a Member.

It applies to you when:

- You are acting in your capacity as a Member
- You misuse your position as a Member
- 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 Member

You may misuse your position by using, or attempting to use, your position as a Member to seek to gain an advantage for yourself or someone close to you, or to disadvantage someone. This includes threatening to use your position to do something, even if you don't in fact have the power to achieve it. Alternatively, you may misuse resources that are conferred upon you in your capacity as a Member (e.g. electronic hardware, your identity badge or letter headed paper/business cards).

However, Members are also private citizens. For something to fall within the Code there must be a link between the conduct and your Local Authority role as a Member. For example, an argument with a neighbour which does not relate to Local Authority business would not engage the Code, even if your neighbour knows you are a Member and therefore complains to the Local Authority about being treated disrespectfully. Equally, conduct engaged-in whilst on party political business does not fall within the Code (though you may be subject to separate expectations and sanctions from your political Group).

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

The interaction may take place whilst engaged on the business of your Local Authority, or when sitting on an outside body which you have been appointed by your Local Authority

The interaction may be with other Members, officers, members of the public or representatives of other organisations

Social Media postings – simply describing yourself as a Member in a social media posting or at the top of your page or in your username or profile does not of itself mean that every posting you make is covered by the Code. There must be a link between the individual posting or thread and your role as a Local Authority Member. However even if you do not describe yourself as a Member you may fall foul of the Code if you are discussing Local Authority business in such a way that a reasonable member of the public might think you were invoking your office. The Council has published separate Guidance to Councillors on the use of Social Media ([Standards.socialmediav2.pdf \(leicester.gov.uk\)](https://www.leicester.gov.uk/standards-socialmediav2.pdf))

- ~~a. At formal meetings of the Council, its Committees and Sub Committees, its Executive and Executive Committees~~
- ~~b. When acting as a representative of the Authority~~
- ~~c. In taking any decisions as a Member of the Executive or as a Ward Councillor~~
- ~~d. In discharging your functions as a Ward Councillor~~
- ~~e. At briefings meetings with officers~~
- ~~f. At site visits~~
- ~~g. When corresponding with the Authority other than in a private capacity~~
- ~~h. At any other time when you conduct the business of your Authority~~

*—The Code therefore applies when performing your duties in meetings, or when acting alone, and it applies whether you are acting inside or outside of the City boundary

2. Principles

The Principles underpinning this Code of Conduct are that you will act with:

- a. Selflessness
- b. Integrity
- c. Objectivity
- d. Accountability
- e. Openness
- f. Honesty
- g. Leadership
- h. Respect for others
- i. A commitment to uphold the law

3. General conduct

The Code sets out the minimum expected standards of behaviour. You must, for example:therefore:

- a. Treat others with respect

You must respect other people, as well as respect the role they perform. Examples of disrespectful behaviour might include angry outbursts; use of inappropriate language such as swearing; ignoring someone who is attempting to contribute to a discussion; attempts to shame or humiliate others; nit-picking and fault-finding and the sharing of malicious gossip or rumours.

Members will engage in robust debate at times and are expected to challenge, criticise and disagree with views, ideas, opinions and policies. But you should do this in a respectful way in order to build up healthy working relationships and public trust and confidence. You should focus criticism or challenge upon ideas and policies rather than personalities. (In relation to Member meetings, see Table 2 for agreed Protocol for Member behaviour in meetings)

The circumstances in which the behaviour occurs are relevant to determining whether it is disrespectful. This will include where it occurs, with whom it occurs and the relationship of the people involved. It must also be balanced with the Member's right to Freedom of Expression. This extends to the expression of views that may shock, disturb or offend the beliefs of others. Freedom of Expression is protected more strongly in some contexts than others. In particular, a wide degree of tolerance

is accorded to political speech. Public servants (i.e. officers) are subject to wider levels of acceptable criticism than other members of the public when matters of public concern are being discussed. However, the limits are not as wide as they are between elected politicians.

b. Not bully others

Bullying may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. It may be a regular pattern of behaviour or a one-off incident, happen face to face or virtually and may not always be obvious or noticed by others.

c. Respect the impartiality of officers

Officers work for the local authority as a whole and must be politically neutral. They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of a report if doing so would prejudice their professional integrity.

Members take decisions every day that affect the lives of those who live and work within the community. It is therefore important to have regard to all available evidence and to weigh up all sides of the argument. Decisions can be challenged if they are unreasonable. Members must have regard to any professional advice they have been offered. Members should also give reasons for their decisions in accordance with statutory requirements and any reasonable requirements imposed by the local authority.

d. Respect the confidentiality of information which you receive as a Member.

In addition you must (i) not disclose confidential information to third parties other than in accordance with the law and (ii) not act to prevent a third party gaining access to information to which they are entitled in law

- e. Uphold and promote the Authority's discharge of its Equality obligations, in particular to (i) eliminate discrimination (ii) promote equality of opportunity (iii) foster good relations
- f. Uphold and promote these principles by leadership and by example, and act in a way that secures and preserves public confidence
- g. Comply with the requirements regarding registration, declaration and participation in the Authority's business where you have a Disclosable Pecuniary Interest (DPI) or "Other Disclosable Interest (ODI)"
- h. When using the Authority's resources, do so in accordance with the Authority's requirements, and not use such resources improperly
- i. Not conduct yourself in a manner which is likely to bring the Authority into disrepute
- j. Not use your position as a Member to improperly confer (or attempt to confer) upon yourself or any other person an advantage or disadvantage, but act only to further the public interest
- k. Comply with the Code of conduct. This includes (i) undertaking any training provided by my local authority; (ii) cooperating with any Code of conduct investigation; (iii) not to intimidate, or attempt to intimidate, any person who is involved with the administration of any investigation or proceedings and (iv) comply with any sanction imposed on you following a finding that you have breached the code of conduct.

The above list is not exhaustive, and any conduct which breaches the principles set out in section 2 can constitute a breach of this Code. Further Guidance can also be found in the Political Conventions found in Part 5 of the Council's Constitution ([Our constitution January 2022 \(leicester.gov.uk\)](#))

4. Disclosable Pecuniary Interests (DPIs) (see Table 1 enclosed)

In addition to conducting yourself in accordance with the principles set out in section 2 you must:

- a. Declare any and all DPIs on your Register of Interests.
- b. Ensure that your Register of Interests is kept fully up to date, and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your DPIs
- c. Make a verbal declaration (at the beginning, or as soon as you become aware of your interest) of the existence and nature of any DPI “in a matter” to be considered (unless it is already declared on your Register, in which case you must simply comply with point d. below).
- d. Comply with the statutory requirements to withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest (DPI), by either leaving the room (where the business is being conducted at a “meeting”) or by ceasing further participation in the item (where acting alone outside of a meeting)
 - The requirements cover not only DPI’s of Members but a DPI of any other “relevant person”, defined as spouse/civil partner, or someone with whom the Member is living as though they were a spouse or civil partner
 - Separate provisions within the law provide for the circumstances in which a Member may seek a “dispensation”, or may ask that the interest be treated as “sensitive”

5. **Other Disclosable Interests (ODIs)** (pecuniary or non-pecuniary)

Aside from the statutorily defined DPIs, you may have another type of interest in a matter being discussed. These will be of category A. or B. below and you will either:

- disclose that interest (regular ODI), or
- disclose and withdraw from the meeting (prejudicial ODI).

A. Regular ODI

You will have an “Other Disclosable Interest” in an item of business of the Authority where:

A decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you, or a member of your family or a person with

whom you have a close association (see below), to a greater extent than it would affect the majority of Council Tax payers, ratepayers or inhabitants of the Ward or electoral area

- You may need to register such “Other Disclosable Interest” into the Register of Interests operated by the Monitoring Officer
- If you attend a meeting at which any item of business is to be considered and you are aware that you have an “ODI” in that item, you should make verbal declaration of the existence and nature of that interest at or before the consideration of that item of business, or as soon as the interest becomes apparent

B. Prejudicial ODI

In addition to the above:

Where your ODI is of a nature where a member of the public, who knows the relevant facts, would reasonably think your “other disclosable interest” is so significant that it is likely to prejudice your judgement of the public interest you should disclose and withdraw from participating in respect of that matter

- “close association” is not defined in law but would reasonably include someone with whom you are in regular or irregular contact over a period of time, who is more than an acquaintance, and is someone whom a reasonable member of the public might think you were prepared to favour or disadvantage when discussing a matter that affects them.
- Note that that when a Member is acting as a decision-maker (but not in Scrutiny) there is a relationship between “bias/predetermination” and “interests”. Sometimes they will be synonymous [e.g. sitting on Planning Committee for a development that could, if approved, lower the value of your home will (i) certainly constitute a prejudicial ODI; (ii) possibly constitute a DPI; (iii) likely amount to “apparent bias” in common law].

However you might be predetermined over a matter in a way which does not translate into a registerable or a declarable “interest” (e.g. you are a member of Licensing Committee and have an ethical objection to the consumption of alcohol and a closed mind to the granting of any/all Liquor Licensing applications). Whilst this (i) will not constitute a DPI; (ii) may not constitute an ODI; it will (iii) constitute bias in law and breach the Nolan principles of objectivity, openness and upholding the law. You could therefore breach the Code of Conduct even though you strictly had no “interest” to declare/register.

6. Gifts and Hospitality

The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness, in which case you could accept it but must ensure it is publicly registered.

- a. You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £~~50~~²⁵ which you have accepted as a member from any person or body other than the authority
- b. The Monitoring Officer will place your notification on a public register of gifts and hospitality
- c. This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose

7. Validity of acts ~~Other~~

Breaches of this Code will be dealt with under the “Standards Arrangements” as approved by Council on 06.07.17

In interpreting the Nolan Principles the relevant officers and Committee/subcommittee Members will be entitled to cross-refer the Local Government Association’s Guidance [Guidance on Local Government Association Model Councillor Code of Conduct | Local Government Association](#)

By virtue of section 28(4) Localism Act 2011 a decision is not invalidated just because something that occurred in the process of making the decision involved a failure to comply with this Code (though this does not mean that the decision cannot be impugned on other legal grounds e.g. judicial review)

Kamal Adatia
City Barrister & Head of Standards
July 2022 ~~October 2014~~

Table 1

Categories of DPIs

Subject	Prescribed description
Employment, office, trade, profession or vacation	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 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.</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(1).</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
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	<p>Any tenancy where (to M's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</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

(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.

Protocol - Member Conduct in Meetings
(as agreed by The Standards Committee)

Political interaction is one of the most powerful of the checks and balances which are built into policy development and service delivery. Such interaction should be robust and challenging but must stay within the Code of Conduct for Members. This protocol applies to all meetings held within the Council.

Members should at all times:-

1. Treat others with respect
 - Allow others to speak and explain their position without persistent interruption
 - Avoid unreasonable or excessive personal attack
 - Challenge unacceptable behaviours in others
 - Apologise immediately if they are aware they have caused personal offence

2. Not bully or intimidate others
 - Avoid language that is abusive, malicious, insulting, humiliating, defamatory or offensive
 - Avoid intimidating body language

3. Be aware of the need to respect confidentiality and treat information as such where appropriate

4. Not bring the office of councillor or Leicester City Council into disrepute

5. Avoid attempting to compromise the impartiality of officers
 - Officers are neutral and must not be persuaded to act in a way that would undermine their neutrality

6. Address comments to the Chair and avoid direct conversations with other members

7. Take personal responsibility for their behaviour and avoid the need for intervention from the Chair
8. Avoid playing to the public gallery, which could result in disruption of the meeting.