

# 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 15 November 2023 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 note<sup>1</sup> 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 note<sup>2</sup> 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:*

- <sup>1</sup> *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*
- <sup>2</sup> *“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