



# THE CODE OF CONDUCT

Adopted by Cumbria Police Authority  
on 26 September 2007



NOT PROTECTIVELY MARKED

THE CODE OF CONDUCT

*As adopted by and applied to*

**CUMBRIA POLICE AUTHORITY**

PART 1

GENERAL PROVISIONS

**Introduction and interpretation**

1. (1) This Code applies to you as a member of the Authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code –
  - (i) “the authority” and “your authority” means the Cumbria Police Authority.
  - (ii) “meeting” means any meeting of –
    - (a) the authority; or
    - (b) any of the authority’s committees, sub-committees, joint committees, joint sub-committees, area committees or working groups; or
    - (c) any informal meeting with other members and/or with officers relating to the discharge of the authority’s functions.
  - (iii) “member” includes a co-opted member, an independent member and an appointed member.

**Scope**

2. (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you –
  - (a) conduct the business of your authority (which, in this Codes, includes the business of the office to which you are elected or appointed); or
  - (b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Codes applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3) includes a criminal offence for which you are convicted (including an offence you have committed before the date you took office, but for which you are convicted after that date).
- (5) Where you act as a representative of your authority –
  - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
  - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except insofar as it conflicts with any other lawful obligations to which that other body may be subject.

### **General Obligations**

3. (1) You must treat others with respect.
- (2) You must not –
  - (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
  - (b) bully any person;
  - (c) intimidate or attempt to intimidate any person who is or is likely to be –
    - (i) a complainant,
    - (ii) a witness, or
    - (iii) involved in the administration of any investigation or proceedings,in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
  - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

- (3) In relation to police authorities, for the purposes of subparagraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.
- (4) In particular you shall not provide or offer to provide a reference for any candidate for appointment or promotion as a member or officer of the authority or for any other applicant to work for or to contract with the authority.

**4.** You must not -

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where -
  - (i) you have the consent of a person authorised to give it;
  - (ii) you are required by law to do so;
  - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person;
  - (iv) the disclosure is –
    - (aa) reasonable and in the public interest; and
    - (bb) made in good faith and in compliance with the reasonable requirements of the authority;
- (b) prevent another person from gaining access to information to which that person is entitled by law.

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

**6.** You -

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of your authority or of resources, the use of which are controlled or influenced by your authority -
  - (i) act in accordance with your authority's reasonable requirements;
  - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes) or for improper purposes; and

- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
7. (1) When reaching decisions on any matter you must –
- (a) do so on the basis of the merits of the circumstances and in the public interest.
  - (b) have regard to any relevant advice provided to you by the authority's officers – in particular by:
    - (i) the Treasurer, particularly where that officer is acting pursuant to his or her statutory duties;
    - (ii) the Monitoring Officer, particularly where that officer is acting pursuant to his or her statutory duties;
    - (iii) the Chief Executive, who should be consulted, whenever there is any doubt as to the authority's powers to act, or as to whether the action proposed lies within the policy framework agreed by the authority, or where the legal consequences of action or failure to act by the authority might have important repercussions.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

## PART 2

### INTERESTS

#### **Personal Interests**

8. (1) You have a personal interest in any business of your authority where either –
- (a) it relates to or is likely to affect -
    - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
    - (ii) any body –
      - (aa) exercising functions of a public nature;
      - (bb) directed to charitable purposes; or

(cc) one of whose principle purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

- (iii) any employment or business carried on by you;
- (iv) any person or body who employs or has appointed you;
- (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
- (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
- (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
- (ix) any land in your authority's area in which you have a beneficial interest;
- (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
- (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

**or**

- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, rate payers or inhabitants of your authority's area.

- (2) In sub-paragraph (1)(b), a relevant person is –
- (a) a member of your family or any person with whom you have a close association; or
  - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
  - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
  - (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

### **Disclosure of personal interests**

9. (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a person interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 13, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(b), where you have a personal interest in any business of your authority and you have made a decision in relation to that business, you must ensure that any written

statement of that decision records the existence and nature of that interest.

### **Prejudicial Interest Generally**

- 10.** (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business –
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
  - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
  - (c) relates to the functions of your authority in respect of -
    - (i) statutory sick pay under Part ZI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
    - (ii) an allowance, payment or indemnity given to members;
    - (iii) any ceremonial honour given to members; and
    - (iv) setting council tax or a precept under the Local Government Finance Act 1992.
- 11.** [Paragraph 11 (Overview and Scrutiny Committees) is not adopted].

### **Effect of Prejudicial Interests on Participation**

- 12.** (1) Where you have a prejudicial interest in any business of your authority-
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held -
    - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

- (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

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

- (b) you must not seek improperly to influence a decision about that business.

- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

### PART 3

#### REGISTRATION OF MEMBERS' INTERESTS

##### **Registration of Members' Interests**

- 13.** (1) Subject to paragraph 14, you must, within 28 days of:
- (a) this Code being adopted by or applied to your authority;  
or
  - (b) your election or appointment to office (where that is later),
- register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interest where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.
- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

## **Sensitive Information**

14. (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's risk register of members' interests.
- (3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

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## **EXPLANATORY NOTE**

Under section 50 of the Local Government Act 2000, the Secretary of State has power to issue a model code of conduct about the conduct expected of members and co-opted members of relevant authorities, including police authorities in England and Wales.

Under section 51 of that Act, each authority must adopt a code of conduct applying to its members and co-opted members which, incorporates the mandatory provisions in the Code. Under section 51(5), where an authority does not adopt such a code within six months of the Order coming into force (i.e. by 1<sup>st</sup> October 2007), the mandatory provisions of the Code will apply to the members of the authority until it adopts its own code.

This code of conduct set out above is the code applying to its own members and co-opted members which Cumbria Police Authority therefore adopts under section 51. It incorporates the mandatory provisions of the Code but without certain non-mandatory provisions. It has also been amended to tailor its references to police authorities and this authority in particular more clearly whilst removing provisions applicable to other types of public authority only. Once adopted, its provisions will apply to relevant misconduct committed on or after the date when the new code is specified for application by the authority.

**SUMMARY:**

**Paragraph 1** of the Code as adopted provides that the Code applies to any member of an authority and that it is the responsibility of each member to comply with the Code.

**Paragraph 2** of the Code as adopted provides that the Code applies whenever a member is acting in his or her official capacity, and in relation to conduct in a member's private capacity the code only applies where such conduct has resulted in a criminal conviction. Additionally, where a member is acting as a representative of his or her authority, he or she must continue to observe the authority's code, unless he or she is subject to another relevant authority's code, or unless (in relation to any other body) it conflicts with any other legal obligations.

**Paragraph 3** of the Code provides that members must treat others with respect and not do anything which may cause their authority to breach equality legislation, or which compromises the impartiality of those who work for the authority or bully anyone or intimate persons involved in code of conduct cases.

**Paragraph 4** of the Code provides that members must not without consent disclose confidential information they have acquired and must not prevent others from gaining access to information to which they are entitled.

**Paragraph 5** of the Code provides that a member must not conduct himself or herself in a manner which could bring his or her authority into disrepute.

**Paragraph 6** of the Code provides that a member must not use his or her position improperly to gain an advantage or confer a disadvantage and that when using or authorising the use of the authority's resources, he or she must act in accordance with the authority's reasonable requirements, must not permit those resources to be used for political purposes and must have regard to the Local Authority Code of Publicity.

**Paragraph 7** of the Code provides that a member must have regard to advice given by the chief finance officer, the monitoring officer and chief executive. They must give reasons for decisions made.

**Paragraph 8** of the Code provides a list of matters which constitute a personal interest.

**Paragraph 9** of the Code provides that generally a member with a personal interest in any business of his or her authority must disclose that interest at any meeting at which the business is considered.

**Paragraph 10** of the Code provides that generally a member with a personal interest also has a prejudicial interest if the interest could be regarded by a member of the public as so significant that it is likely to prejudice his or her judgment of the public interest. The paragraph provides that in specified circumstances a member may regard himself as not having a prejudicial interest.

(**Paragraph 11** of the Model Code is not adopted, since it relates to Overview & Scrutiny committees, which do not apply in police authorities).

**Paragraph 12** of the Code as adopted provides that a member with a prejudicial interest must withdraw from any meetings at which the business is being considered, and must not improperly influence decisions in relation to the business.

**Paragraph 13** of the Code as adopted provides that a member must notify the monitoring officer of his or her personal interests and any change to those interests must also be notified.

**Paragraph 14** of the Code as adopted provides that a member may notify the monitoring officer of any sensitive information the availability of which to the public creates, or is likely to create, a serious risk that the member or a person who lives with him or her may be subjected to violence or intimidation.