

NOT CONFIDENTIAL – for public release

POLICE AND CRIME COMMISSIONER (PCC) FOR LINCOLNSHIRE  
REQUEST FOR DECISION

REF: 023/2013  
DATE: 18 July 2013

SUBJECT		REVISED CODE OF CONDUCT
REPORT BY	CHIEF EXECUTIVE	
CONTACT OFFICER	John King, Corporate Administration Officer, OPCC Tel 01522 947227	
<b>EXECUTIVE SUMMARY AND PURPOSE OF REPORT</b>		
To recommend the adoption of a revised Code of Conduct for the Police and Crime Commissioner and Deputy Police and Crime Commissioner for Lincolnshire.		
<b>RECOMMENDATION</b>	<i>That the revised Code of Conduct appended to this report be adopted.</i>	

POLICE AND CRIME COMMISSIONER FOR LINCOLNSHIRE

I hereby approve the recommendation above, having considered the content of this report.

Signature: 

Date: 18/07/13

A. NON-CONFIDENTIAL FACTS AND ADVICE TO THE PCC

A1. INTRODUCTION AND BACKGROUND

1. CODE OF CONDUCT

- 1.1 The Police and Crime Commissioner adopted a Code of Conduct on 22 November 2011 (Decision Notice 2012/004 refers).
- 1.2 To further improve transparency and accountability it is proposed that in addition to the current requirement for the Commissioner to declare the acceptance of any gift or hospitality, that he also be obliged to declare any gift or hospitality that has been declined. It is further proposed that the section relating to complaints made against the Commissioner be updated to include an explanatory note clarifying the legal basis upon which the Police and Crime Panel for Lincolnshire has delegated powers and duties to the Commissioner's Chief Executive for the initial handling and recording of complaints.
- 1.3 This report recommends adoption of the revised Code of Conduct incorporating the amendments detailed at (1.2).

**A2. LINKS TO POLICE AND CRIME PLAN AND PCC'S STRATEGIES/PRIORITIES**

None.

**B. FINANCIAL CONSIDERATIONS**

None.

**C. LEGAL AND HUMAN RIGHTS CONSIDERATIONS**

*[this should include the legal powers the PCC has for making the decision]*

The adoption of a Code of Conduct is not a legal requirement.

**D. PERSONNEL AND EQUALITIES ISSUES**

None.

**E. REVIEW ARRANGEMENTS**

None planned.

**F. RISK MANAGEMENT**

None.

**H. PUBLIC ACCESS TO INFORMATION**

Information in this form along with any supporting material is subject to the Freedom of Information Act 2000 and other legislation. Part 1 of this form will be made available on the PCC's website within one working day of approval. However, if release by that date would compromise the implementation of the decision being approved, publication may be deferred. An explanation for any deferment must be provided below, together with a date for publication.

<p><b>Is the publication of this form to be deferred? No</b></p> <p><b>If Yes, for what reason:</b></p> <p><b>Until what date:</b></p>
---

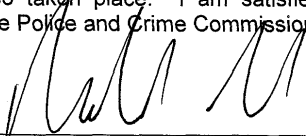
Any facts/advice/recommendations that should not be made automatically available on request should not be included in Part 1 but instead on the separate part 2 form.

<p>Is there a part 2 form? No</p> <p>If Yes, for what reason:</p>
---

**ORIGINATING OFFICER DECLARATION**

Originating Officer:	Tick to confirm
The Chief Executive and Monitoring Officer recommends this proposal for the reasons outlined above.	✓

**OFFICER APPROVAL**

<p><b>Chief Executive</b></p> <p>I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. Consultation outlined above has also taken place. I am satisfied that this is an appropriate request to be submitted to the Police and Crime Commissioner for Lincolnshire.</p> <p><b>Signature:</b> </p> <p><b>Date:</b> 18/7/13</p>
---

# The Police and Crime Commissioner for Lincolnshire

## POLICE AND CRIME COMMISSIONER AND DEPUTY POLICE AND CRIME COMMISSIONER

### CODE OF CONDUCT

#### Introduction

1. This Code applies to me in the office of Police and Crime Commissioner when acting or representing to act in that role. It also applies to my deputy when acting or representing to act in that role.
2. This code does not apply when I am acting in a purely private capacity.
3. I have adopted this code and have agreed to abide by its provisions.
4. The Policing Protocol<sup>1</sup> provides that all parties will abide by the seven principles set out in Standards in Public Life: First Report of the Committee on Standards in Public Life known as — the Nolan Principles.
5. I agree to abide by the Nolan Principles which are set out below:

#### The Seven Principles of Public Life

##### Selflessness

6. Holders of public office should act 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

7. Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

##### Objectivity

8. 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.

---

<sup>1</sup> The Policing Protocol Order 2011 No. 2744  
Office Policies and Procedure Manual  
PCC and DPCC Code of Conduct  
Version 2.0 July 2013

### Accountability

9. 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

10. 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

11. 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

12. Holders of public office should promote and support these principles by leadership and example.

### **General Obligations**

I agree:-

13. To treat others with dignity and respect.
14. Not to use bullying behaviour or harass any person.
15. Not to conduct myself in a manner which:-
  - (i) is contrary to the policing protocol.  
and/or
  - (ii) could reasonably be regarded as bringing my office into disrepute.

### **Use of resources**

I agree:-

16. Not to use the resources of the elected local policing body for my personal benefit or for the benefit of myself, my friends, or any other person in relation to any business interest of mine.
17. Not to use the resources of the elected local policing body improperly for political purposes (including party political purposes).
18. To claim expenses and allowances in accordance with the published expenses and allowances scheme of the elected local policing body.

### **Register of Disclosable Interests**

(including those arising in relation to gifts and hospitality and those of a pecuniary nature)

I agree:-

19. To act solely in the public interest and in exercising the functions of my office not act to gain financial or other benefits for myself, my family, my friends, or any person in relation to any business of mine or use or attempt to use my office to confer or secure for any person, including myself, an advantage or a disadvantage.
20. Within 28 days of taking office to enter in the register of disclosable interests maintained by the Monitoring Officer of the elected local policing body every disclosable interest as set out in the Schedule at Appendix A.
21. Within 28 days of any change in circumstances to enter in the register of interests the changes in so far as are related to disclosable interests.
22. Within 28 days of any gift or hospitality being accepted or declined to make a declaration in the register of gifts and hospitality maintained by the Monitoring Officer of the elected local policing body.
23. If the nature of the interest is such that I and the Monitoring Officer consider that disclosure could lead to me or a person connected with me being subject to violence or intimidation, then any entry in the register should not include details of the interest but should indicate that the interest has been disclosed and is withheld by virtue of this section.

### **Conflicts of interests**

24. In any case where the interests of exercising the functions of my office may conflict with any disclosable or other interest, which has become known to me, I shall as soon as possible declare such conflict as is required in accordance with the policy issued under Para 3 of the Elected Local Policing Body (Specified Information) Order 2011 and determine whether the conflict of interest is so substantial that the function should not be exercised personally but should be delegated or dealt with in some other manner to ensure the conflict of interest does not arise.

### **Disclosure of information**

25. I agree not to disclose information given to me in confidence or information acquired by me which is of a confidential nature, unless I have the consent of a person authorised to give it or I am required by law to do so or for the lawful purposes of my office provided that I shall not be prevented from disclosure to a third party for the purpose of obtaining professional legal advice where the third party agrees not to disclose the information to any other person;
26. Any disclosure made by me shall be reasonable, be in the public interest and made in good faith.

27. I agree not to prevent another person from gaining access to information to which that person is entitled by law.

**Transparency**

28. The register of interests and declarations of gifts and hospitality will be published on the Police and Crime Commissioners website: [www.lincolnshire-pcc.gov.uk](http://www.lincolnshire-pcc.gov.uk)

**Complaints**

29. Any complaint about the conduct of the Police and Crime Commissioner or Deputy Police and Crime Commissioner shall be referred to the Chief Executive and Monitoring Officer in accordance with the powers and duties delegated to the post holder by the Police and Crime Panel for Lincolnshire.

Explanatory Note

The Police and Crime Panel (PCP) is responsible for handling non-criminal complaints against the Police and Crime Commissioner (PCC) and criminal complaints and conduct matters that are referred back to the PCP by the Independent Police Complaints Commission. The PCP has delegated responsibility for the initial handling and recording of complaints to the PCC's Chief Executive under Regulation 7 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.

<b>Last updated:</b> July 2013	<b>Review date:</b> July 2014	<b>Version:</b> 2.0
<b>Owner:</b> CAO	<b>Source:</b> Z:\Management and Administration\Policies and Procedures\Office of the Police and Crime Commissioner\Policies and procedures\Policies\3. Police and Crime Commissioner\PCC Code of Conduct v2.0 July 2013.doc	

**Schedule of Disclosable Interests (including those relating to Gifts and Hospitality)**

In this Schedule:

“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” includes 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;

“elected local policing body” means the elected Local Policing Body to which the relevant person has been elected.

“relevant period” means the period of 12 months ending with the day on which the relevant person makes an entry amendment or deletion to the register of disclosable interests.

“relevant person” means the person(s) who is/are elected/appointed Police and Crime Commissioner and Deputy Police and Crime Commissioner.

“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(b) and other securities of any description, other than money deposited with a building society.

<b><u>Subject</u></b>	<b><u>Disclosable Interest</u></b>
Employment, office, trade, profession or vacation.	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 elected local policing body) made or provided within the relevant period in respect of any expenses incurred in carrying out duties and responsibilities, as of a Police or Deputy Police and Crime Commissioner, or towards the election expenses of the PCC or Deputy PCC. 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 elected local policing body –  (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 elected local policing body.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the elected local policing body.
Corporate tenancies	<p>Any tenancy where (to the knowledge of the relevant person)</p> <p>(a) the landlord is the elected local policing body; 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 the relevant person' knowledge) has a place of business or land in the area of the elected local policing body; and</p> <p>(b) either –</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
Gifts & Hospitality	The interests of any person from whom the relevant person has received a gift or hospitality with an estimated value of at least £25.