



# **THE POLICE AND CRIME COMMISSIONER FOR ESSEX**

## **VOLUNTARY CODE OF CONDUCT**

22 November 2012  
Version V1.0

## **PART 1**

### **Introduction**

This Code as a whole is consistent with “Nolan Principles” which are set out in Article 6.1 of the Constitution and is closely aligned to the local Codes of Conduct adopted by local authorities in Essex under the provisions of Section 29(1) Localism Act 2011

I have adopted this Code and agree to abide by its provisions.

Any person that I may appoint as Deputy Police and Crime Commissioner (Deputy PCC) is required to abide by the provisions of this Code also.

### **Interpretation**

1. “relevant period” means the period of 12 months ending with the day on which notification was given to the Monitoring Officer of any disclosable pecuniary interests which existed at the time of the notification.
2. “profit or gain” includes any payments or benefits in kind which are subject to Income Tax
3. “beneficial interest” means having an economic benefit as a legal owner or holding it on trust for the beneficial owner, having a right to the income from the land or securities or a share in it or the right to the proceeds of sale or share of part of the proceeds of sale
4. For the purposes of this Code ‘PCC’ refers to the corporate body known as the Police and Crime Commissioner for Essex

### **1.0 When Does The Code Apply?**

- (1) This Code applies to me in the office of Police and Crime Commissioner when acting or representing that I am acting in that role.
- (2) It also applies to the Deputy PCC when acting or representing that he is acting in that role.
- (3) This Code does not apply to me or the Deputy PCC when acting in a purely private capacity.

### **2.0 General Obligations**

2.1 I will treat others with respect.

2.2 I will uphold the law.

2.3 I will not:

- (a) do anything which may cause a breach any of the equality enactments;

- (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 I failed to comply with this 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, the PCC.

### **3.0 Confidential Information**

#### **3.1 I will not:**

- (a) disclose information given to me in confidence by anyone, or information acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, except where:
  - (i) I have the consent of a person authorised to give it;
  - (ii) I am 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; or
  - (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 PCC:
- (b) prevent another person from gaining access to information to which that person is entitled by law.
- (c) conduct myself in a manner which could reasonably be regarded as bringing my office or the PCC into disrepute.

### **4.0 Conferring an Advantage or Disadvantage**

#### **4.1 I will:**

- (a) not use or attempt to use my position improperly to confer on or secure for myself or any other person, an advantage or disadvantage;
- (b) when using or authorising the use by others of the resources of the PCC:

- (i) Not use those resources for my personal benefit or for the benefit of myself, my friends, or any other person in relation to any business interest of mine.
- (ii) Not use those resources improperly for political purposes (including party political purposes).

## **PART 2**

### **5.0 Disclosable Pecuniary Interests**

5.1 A Disclosable Pecuniary Interest in any business of the PCC exists if it is of a description set out in 5.2 below and is either:

- (a) An interest of mine; or
- (b) An interest (of which I am aware) of a spouse, civil partner or a person I am living with as a spouse or civil partner (“known as Relevant Persons”).

5.2 A Disclosable Pecuniary Interest is an interest which relates to or is likely to affect:

- (a) Any employment, office, trade, profession or vocation carried on by me or a Relevant Person for profit or gain;
- (b) Any payment or provision of any other financial benefit (other than from the PCC) made or provided within the relevant period in respect of any expenses incurred in carrying out my duties as a Police and Crime Commissioner, or towards any election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992;
- (c) Any contract for goods, services or works which has not been fully discharged between me or a Relevant Person and the PCC or a body in which I or they have a beneficial interest;
- (d) A beneficial interest in any land in the County of Essex;
- (e) a licence of any land in the County of Essex (alone or jointly with others) that I or a Relevant Person occupy for a month or longer;
- (f) any tenancy where to my knowledge
  - (i) the landlord is the PCC and
  - (ii) the tenant is a body in which I or a Relevant Person has a beneficial interest;
- (g) Any beneficial interest in securities of a body where:
  1. that body (to my knowledge) has a place of business or land in the County of Essex and

2. either:

- (a). the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- (b). the beneficial interest exceeds one hundredth of the total issued share capital of the share capital of that body, if of more than one class, the total nominal value of the shares of any one class.

## **6.0 Other Pecuniary Interests**

6.1 I will have a pecuniary interest in any business of the PCC where it relates to or is likely to affect:

- (a) any person or body who employs or has appointed me;
- (b) any contract for goods, services or works made between the PCC and me or a firm in which I am a partner, a company of which I am a remunerated director, or a person or body of the description specified in paragraph 5.2(g) which has been fully discharged within the last 12 months;

## **7.0. Non-Pecuniary Interests**

7.1 I will have a non-pecuniary interest in any business of the PCC where it relates to or is likely to affect:

- (a) any body of which I am a member or in a position of general control or management;
- (b) any body:
  - (i) exercising functions of a public nature;
  - (ii) directed to charitable purposes; or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which I am a member or in a position of general control or management;
- (c) the interests of any person from whom I have received a gift or hospitality with an estimated value of at least £50;
- (d) a decision in relation to that business which might reasonably be regarded as affecting my wellbeing or the wellbeing of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the County of Essex.

## **8.0. Disclosure of Interests**

- 8.1 Subject to sub-paragraphs 8.3 to 8.4, I will disclose if I have a Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest in any business of the PCC when I am asked to make a decision as Police and Crime Commissioner.
- 8.2 I will make and record that disclosure of the existence and nature of that interest whether or not such interest is registered on my Register of Interests.
- 8.3 Sub-paragraph 8.1 only applies where I am aware or ought reasonably to be aware of the existence of the Relevant Person's Interest.
- 8.4 Where I have an interest in any business of the PCC which would be disclosable by virtue of paragraph 8.1 but by virtue of paragraph 11 (Sensitive Information) details of the interest are not registered in the PCC's published Register of Interests and the interest is a Disclosable Pecuniary Interest I need not disclose the nature of the interest.

## **9.0. Effect of Interests.**

### 9.1 Disclosable Pecuniary Interests

#### 9.1.1 If I have a Disclosable Pecuniary Interest then:

- (a) The function will not be exercised personally but will be delegated or dealt with in some other manner to ensure the conflict of interest does not arise.
- (b) I will not seek improperly to influence a decision about that the exercise of that function.

### 9.2 Other Pecuniary Interests

#### 9.2.1 If I have an Other Pecuniary Interest in any business of the PCC which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest

- (a) The function will not be exercised personally but will be delegated or dealt with in some other manner to ensure the conflict of interest does not arise.
- (b) I will not seek improperly to influence a decision about that the exercise of that function.

## **PART 3 REGISTER OF INTERESTS**

### **10.0. Registration of Interests**

10.1 Subject to paragraph 11, I will, within 28 days of:

- (a) adopting this Code or
- (b) my election, re-election or appointment or re-appointment to office register details of:
  - (i) Disclosable Pecuniary Interests as referred to in paragraph 54
  - (ii) Other Pecuniary Interests referred to in paragraph 6 that I have.
  - (iii) Non Pecuniary Interests referred to in paragraph 7

10.2 Subject to paragraph 11, I will within 28 days of becoming aware of any new Disclosable Pecuniary Interest, Other Pecuniary Interest or any Non Pecuniary Interest provide written notification to the PCC's Monitoring Officer

### **11. Sensitive Information**

11.1 Where I have a Disclosable Pecuniary Interest, Other Pecuniary interest or Non Pecuniary Interest and the nature of the interest is such that I and the PCC's Monitoring Officer consider that disclosure of details of the interest could lead to me or a person connected with me being subject to violence or intimidation if the interest is entered in the Register then copies of the Register available for inspection and any published version of the Register will not include details of the interest but may state that I have an interest details of which are withheld under this paragraph.

11.2 I will, within 28 days of becoming aware of any change of circumstances which mean that information excluded under paragraph 11.1 is no longer sensitive information, notify the PCC's Monitoring Officer.

11.3 In this Code "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that I or person who lives with me may be subject to violence or intimidation.

### **12. Register of Gifts and Hospitality**

12.1 I will within 28 days of receipt, notify the PCC's Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which I have accepted from any person or body other than the PCC.

12.2 The Monitoring Officer will place my notification on a public register of gifts and Hospitality

12.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the PCC for this purpose.