

## **BAGNALL PARISH COUNCIL**

### **CODE OF CONDUCT**

#### **PURPOSE**

This Code of Conduct is developed in line with National Association of Local Councils (NALC) and Local Government Association (LGA) guidelines and is pursuant to Section 27 of the Localism Act 2011.

The purpose of this Code is to assist councillors in modelling the behaviour expect of them, to provide a personal check and balance, and to set out the type of conduct against which appropriate action may be taken. It is also to protect yourself, the public, fellow councillors, council officers and the reputation of local government. It sets out the conduct expected of all members and a minimum set of obligations relating to conduct. The overarching aim is to create and maintain public confidence in the role of member and local government.

#### **THE SEVEN PRINCIPLES OF PUBLIC LIFE**

Everyone in public office or delivering public services at all levels should uphold the seven principles of public life. This Code has been developed in line with these seven principles of public life, which are set out in appendix A.

#### **MODEL MEMBER CONDUCT**

In accordance with the public trust placed in me, on all occasions I will:

- act with integrity and honesty
- act lawfully
- treat all people with civility; and
- lead by example and act in a way that secures public confidence in the office of councillor.

In undertaking my role, I will:

- impartially exercise my responsibilities in the interest of the local community
- not improperly seek to confer an advantage, or disadvantage, on any person
- avoid conflicts of interest
- exercise reasonable care and diligence; and
- ensure that public resources are used prudently and in the public interest.

## **Application of the Code of Conduct**

**This Code of Conduct applies to you as soon as you sign your declaration of acceptance of office of councillor** or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

**This 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.

You are expected to uphold high standards of conduct and always show leadership when acting as a councillor.

**As a councillor I commit to:**

### **1. Respect**

- **Treat other councillors and members of the public with respect.**
- **Treating council employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play.**

Respect means politeness and courtesy in behaviour, speech and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor I can express, challenge, criticise and disagree with views, ideas, opinions, and policies in a civil manner. However, I should not subject individuals, groups of people or organisations to unreasonable or excessive personal attack.

In my contact with the public, I should treat them courteously. Rude and offensive behaviour lowers the public's expectations and confidence in its elected representatives.

In return I have a right to expect respectful behaviour from the public. If members of the public are being abusive, threatening or intimidatory I am entitled to close down any conversation in person or online, refer them to the council, any social media provider or if necessary, the police. This also

applies to members, where action could then be taken under the Member Code of Conduct.

## **2. Bullying and harassment**

**As a councillor:**

- **I do not bully any person**
- **I do not harass any person**
- **I promote equalities and do not discriminate unlawfully against any person.**

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient. The bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face on social media, in emails or phone calls, happen in the workplace or at work social events and not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communication.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

## **3. Impartiality of officers of the council**

**As a councillor:**

- **I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of the parish council.**

Officers work for the council as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. Although I 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, I must not try to force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

## 4. Confidentiality and access to information

### As a councillor:

- **I do not disclose information:**
  - Given to me in confidence by anyone
  - Acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless
    - ▲ I have received the consent of a person authorised to give it
    - ▲ I am required by law to do so
    - ▲ The disclosure is made to a third party for the purpose of obtaining legal advice provided that the third party agrees not to disclose the information to any other person; or
    - ▲ The disclosure is:
      - Reasonable and in the public interest, and
      - Made in good faith and in compliance with the reasonable requirements of the local authority; and
      - I have consulted the Monitoring Officer prior to its release.
  
- **I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**
  
- **I do not prevent anyone from getting information that they are entitled to by law.**

The Parish Council must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. Work should be undertaken on this basis, but there will be times when it is required by law that discussions, documents, and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## 5. Disrepute

### As a councillor:

- **I do not bring my role or that of the local authority into disrepute.**

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your parish council and may lower the public's confidence in you or your parish council's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your parish council into disrepute.

You are able to hold the parish council and fellow councillors to account and are able to constructively challenge and express concern about decisions and

processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

## **6. Use of position**

**As a councillor:**

- **I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the council provides you with certain opportunities, responsibilities, and privileges. However, you should not take advantage of these opportunities to further my own or others' private interests or to disadvantage others unfairly.

## **7. Complying with the Code of Conduct**

**As a councillor:**

- **I cooperate with any Code of Conduct investigation and/or determination**
- **I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings**
- **I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the parish council or its governance. If you do not understand or are concerned about the parish council's processes in handling a complaint you should raise this with your Monitoring Officer.

### **Protecting your reputation and the reputation of the local authority**

## **8. Interests**

**As a councillor:**

- **I register and disclose my interests.**

**Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interest of members of the parish council.**

I need to register my interests so that the public, council employees and fellow members know which of my interests might give rise to a conflict of interest. The register is a document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and willingness to be held accountable. I am personally responsible for deciding whether or not I should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise.

It is also important that the public know about any interest that might have to be declared by me or other councillors when making or taking part in decisions, so that decisions making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interest.

### ***Dispensation***

On a written request made to the council's proper officer, the council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if s/he has an interest in appendices A and B if the council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business, or it is in the interests of the inhabitants in the council's area to allow the member(s) to take part or it is otherwise appropriate to grant a dispensation.

## **9. Gifts and hospitality**

### **As a councillor:**

- **I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the parish council or from persons who may apply to the local authority for any permission, license or other significant advantage.**
- **I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt**
- **I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the parish council, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. 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. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family.

## **Appendices**

### **Code Appendix A**

The seven principles are:

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## Appendix B

Within 28 days of becoming a councillor or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) which are described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in Table 2 (Other Registerable Interests).

**“Disclosable Pecuniary Interest”** means an interest of yourself or of your partner if you are aware of your partner’s interest, within the descriptions set out in Table 1 below.

**“Partner”** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

- You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
- A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor or a person connected with the councillor, being subject to violence or intimidation.
- Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the monitoring Officer agreed with will withhold the interest from the public register.

### **Non-participation in case of disclosable pecuniary interest**

Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1, you must disclose the interest, not participate in any discussion, or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

### **Disclosure of Other Registerable Interests**

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in Table 2) you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted dispensation. If it is a ‘sensitive interest’ you do not have to disclose the nature of the interest.

## **Disclosure of Non-Registerable Interests**

Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which affects:

- Your own financial interest or well-being.
- A financial interest or well-being of a relative or close associate; or
- A financial interest or wellbeing of a body included under Other Registrable Interests as set out in Table 2.

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

Where a matter affects the financial interest or well-being:

- To a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- A reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

## Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out under section 30(3) of the Localism Act 2011.

<b>Subject</b>	<b>Description</b>
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 Council) made to the member during the 12-month period ending on 31 March for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her 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.
Contracts	Any contract made between the member or between his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a body in which such a person is a partner in a firm, a director of an incorporated body or holds the beneficial interest in securities*) 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 and Property	Any beneficial interest in land which is within the area of the Council.
	'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
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 the member's knowledge)—
	(a) the landlord is the Council; and
	(b) the tenant is a body in which the member, or his/her spouse or civil partner/ the person with whom the member is living as if they were spouses/civil partners has a beneficial interest.
Securities	Any beneficial interest in securities of a body where—

<b>Subject</b>	<b>Description</b>
	(a) that body (to the member's knowledge) has a place of business or land in the area of the Council; 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 councillor and/or his/her spouse or civil partner or the person with whom the councillor is living as if they were has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

\*'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.

#### **Table 2: Other Registerable Interests:**

You must register as an Other Registerable Interest:

- Any unpaid directorships
- Any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- 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 you are a member or in a position of general control or management spouses/civil partners have a beneficial.