



Tatenhill & Rangemore
Parish Council

CODE OF CONDUCT FOR COUNCILLORS

Adopted by Council 7 September 2021

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1 DEFINITIONS

For the purpose of this Code of conduct, a “councillor means a member or co-opted member of the parish council.

2 PURPOSE

The purpose of the Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead action being taken against you. It is also to protect you, the public, fellow councillors. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

3 GENERAL PRINCIPLES OF COUNCILLOR CONDUCT

Everyone in public office should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed on me, on all occasions.

I act with integrity and honesty.

I act lawfully.

I treat all persons fairly and with respect: and

I lead by example and act in a way that secures public confidence in the role of the councillor.

In undertaking my role:

I impartially exercise my responsibilities in the interests of the local community.
I do not improperly seek to confer an advantage, or disadvantage on any person.
I avoid conflicts of interest.
I exercise reasonable care and diligence, and
I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

4 APPLICATION OF THE CODE OF CONDUCT

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the 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 and may include when;

- you misuse your position as a councillor
- your actions would give you 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 also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct.

5 STANDARDS OF COUNCILLOR CONDUCT

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

6 GENERAL CONDUCT

1. Respect, as a councillor

1.1 I treat other councillors and members of the public with respect

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role 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 health democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack. In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination, 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.
- I do not do anything which falls within the IHRA Working Definition of Anti-Semitism.
- I do not do anything which falls within the APPG Definition of Islamophobia.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, in abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. 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 may 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 communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

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.

3.1 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 parish council as a whole and must be politically neutral. They should not be coerced or persuaded to act in a way that would undermine their neutrality. You 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. However, you must not try and 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

4.1 I do not disclose information;

- a) Given to me in confidence by anyone
- b) Acquired by me which I believe or ought reasonable to be aware, is of a confidential nature, unless: -
 - i. I have received 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 legal advice provided that the third party agrees not to disclose the information to any other person or
 - iv. The disclosure is:
 - 1. Reasonable and in the public interest and
 - 2. Made in good faith and in compliance with the reasonable requirements of the local authority and
 - 3. I have consulted the proper officer prior to its release

4.2 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

4.3 I do not prevent anyone from getting information that they are entitled to by law. Local authorities must work openly and transparently and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work 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

5.1 I do not bring role or parish council 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 the parish council and may lower the public confidence in your or the parish councils ability to discharge its functions. For example, behaviour that is considered dishonest and/or deceitful can bring the parish council into disrepute.

You are able to hold the parish council and fellow councillors to account and are able to constructively challenge an 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;

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

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that ill impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of parish council resources and facilities, as a councillor

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the parish council

- i. act in accordance with the parish councils' requirements
- ii. ensure that such resources are not used for political purposes

You may be provided with resources and facilities to assist you in carrying out your duties as a councillor

Examples include:-

- Stationery
- Equipment such as computers
- Access to parish council rooms

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used for the purpose which they have been provided.

8. Complying with the Code of Conduct, as a councillor

8.1 I undertake Code of Conduct training provided by the parish council

8.2 I cooperate with any Code of Conduct Investigation and/or determination

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings

8.4 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 local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with the proper officer.

7 PROTECTING YOUR REPUTATION AND THE REPUTATION OF THE COUNCIL

7. Interests, As a councillor

7.1 I register and disclose my interests

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

You need to register your interests so that the public, parish council, employees and fellow councillors know which of your interests might give rise to conflict of interest. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you 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.

Failure to register or disclose a disclosable pecuniary interest is a criminal offence under the Localism Act 2011.

8 GIFTS AND HOSPITALITY

8 Gifts and hospitality, As a councillor.

8.1 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.

8.2 I register with the parish clerk any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

8.3 I register with the parish clerk any significant gift or hospitality which I have been offered but have refused to accept.

The Seven principles of Public Life

APPENDIX 1

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 disclose 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.

In this Appendix:

“the Act” means the Localism Act 2011.

“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.

“Relevant person” means M or any other person referred to in section 30(3)(b) 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.

<i>Subject</i>	<i>Prescribed Description</i>
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 relevant authority— (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.

This guidance is not part of the adopted Code of Conduct but is designed to explain how certain matters should be dealt with to ensure compliance.

Predetermination or Bias

There will be situations where matters are discussed which do not affect the Disclosable Pecuniary Interests of the member and his/her partner but during which participation of that member is still inappropriate.

It is not a problem for councillors to be predisposed to a particular view. That predisposition can be strong and can be publicly voiced. They may even have been elected specifically because of their views on this particular issue. It might be in favour of or against a particular point of view, for example an application for planning permission.

However, the councillor must be open to the possibility that, they will hear arguments during the debate about the issue that will change their mind about how they intend to vote. They must also take into consideration written reports and advice from officers. As long as they are willing to keep an open mind about the issue, they are entitled to take part in any vote on it.

The appearance of predetermination or bias on behalf of any member who takes part in the discussion or voting on a matter may result in the validity of any decision taken on the matter being challenged through the courts. Members should take care to not participate (and should usually leave the meeting room) when discussions on matters which they may have predetermined or in respect of which they may be perceived to be biased take place.

An example of such bias occurring would be where an application for planning permission made by a relative of the member was being discussed. Offences

It is a criminal offence to:

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election .
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register.
- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting.
- Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest.
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale (currently £5000) and disqualification from being a councillor for up to 5 years.

Any allegations of a failure to comply with the code of conduct other than in respect of a Disclosable Pecuniary Interest will be dealt with locally and the following sanctions might be appropriate:

Recommending to the Council, that he/she be removed from any or all Committees of the Council;

- Recommending the Council to arrange training for the member;
- Recommending to the Council, that the member be removed from all outside appointments to which he/she has been appointed or nominated by the authority;
- Recommending to the Council, that the member be excluded from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, and Committee meetings;