



<b>Title:</b>	<b>Constitution of the Council (Part 5A: Code of Conduct for Councillors)</b>
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# CODE OF CONDUCT FOR COUNCILLORS

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## 1 DEFINITIONS INTRODUCTION AND INTERPRETATION

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For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

a) is a member of any committee or sub-committee of the authority, or;

b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

### 1

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1.1 — The Council has adopted this Code of Conduct to set out the standards required by Councillors and Co-opted Members of East Staffordshire Borough Council.

1.2 — The Code is consistent with the General Principles set out in Appendix 1 and the provisions of S29(1) Localism Act 2011.

1.3 — In this Code:

1.3.1 — “Co-opted Member” means a person who is not a member of East Staffordshire Borough Council but who:

1.3.1.1 — is a member of any committee or sub-committee of the Council, or

1.3.1.2 — is a member of, and represents the Council on, any joint committee or joint sub-committee of the Council,

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

1.3.2 “Councillor” includes members and Co-opted Members of East Staffordshire Borough Council; and for the purposes of paragraphs 3.1 to 3.12 and 3.15 below it also includes the Mayor’s Consort/the Mayoress and the Deputy Mayor’s Consort/the Deputy Mayoress whenever he or she is accompanying the Mayor or Deputy Mayor respectively on official engagements.

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1.3.3 “interest” means a Disclosable Pecuniary Interest (see paragraph 4) or an Ordinary Interest (see paragraph 6).

1.3.4 “meeting” means any meeting of:

1.3.4.1 the Council;

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1.3.4.2 the executive of the Council;

1.3.4.3 any of the Council’s, or its executive’s, committees, sub-committees, joint committees, joint sub-committees, or area committees;

1.3.4.4 any briefings by officers and site visits organised by the Council;

— whether or not the press and public are excluded from the meeting.

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1.3.5.1.1.1 “Relevant Person” means the Councillor or:

1.3.5.1 that Councillor’s spouse or civil partner;

1.3.5.2 a person with whom that Councillor is living as husband and wife; or

1.3.5.3 a person with whom that Councillor is living as if they were civil partners.

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1.3.6.1.1.2 an interest is “subject to a pending notification” if the interest has been notified to the Council’s Monitoring Officer under paragraph 5 but has not been entered in the Council’s register in consequence of that notification.

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## 2 PURPOSE OF THE CODE OF CONDUCT SCOPE

The purpose of this 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 to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. 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.

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~~2.1— Councillors must comply with this Code whenever they:~~

~~2.1.1 conduct the business of the Council (which, in this Code, includes the business of the office to which they are elected or appointed); or~~

~~2.1.2 act as a representative of the Council,~~

~~— and references to their official capacity are construed accordingly.~~

~~2.2— This Code only has effect in relation to the conduct of a Councillor when they are acting in their official capacity.~~

~~2.3— Where a Councillor acts as a representative of the Council:~~

~~2.3.12.1 on another relevant authority which has a code of conduct, they must, when acting for that other authority, comply with that other authority's code of conduct; or~~

~~2.1.1 on any other body, they must, when acting for that other body, comply with the Council's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.~~

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### 3 GENERAL PRINCIPLES OF COUNCILLOR CONDUCT

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; 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 in 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 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.

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#### 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 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 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 your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

## **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.

2.3.2

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## **2.3 GENERAL CONDUCT OBLIGATIONS**

### **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 healthy 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:**

**2.1 I do not bully any person.**

**2.2 I do not harass any person.**

**2.3 I promote equalities and do not discriminate unlawfully against any person.**

**2.4 I do not do anything which falls within the IHRA Working Definition of Anti-Semitism**

**2.5 I do not do anything which falls within the APPG Definition of Islamophobia**

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The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an 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 local authority.**

Officers work for the local authority 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. 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 reasonably 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 Monitoring 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 my role or 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 local authority and may lower the public's confidence in your or your

local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority 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:**

#### **6.1 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 local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will 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 local authority resources and facilities** **As a councillor:**

#### **7.1 I do not misuse council resources.**

**7.2 I will, when using the resources of the local or authorising their use by others:**

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and 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 in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

**8. Complying with the Code of**

**Conduct As a Councillor:**

**8.1 I undertake Code of Conduct training provided by my local authority.**

**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.**

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**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 your Monitoring Officer.

## **7 PROTECTING YOUR REPUTATION AND THE REPUTATION OF THE COUNCIL**

### **9. Interests**

#### **As a councillor:**

#### **9.1 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 authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. 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 that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision 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 interests. If in doubt, you should always seek advice from your Monitoring Officer.**

## 10. Gifts and hospitality

### As a councillor:

10.1 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 local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 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 local authority, 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. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

## Appendices

### Appendix A – The Seven Principles of Public Life

The 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 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.

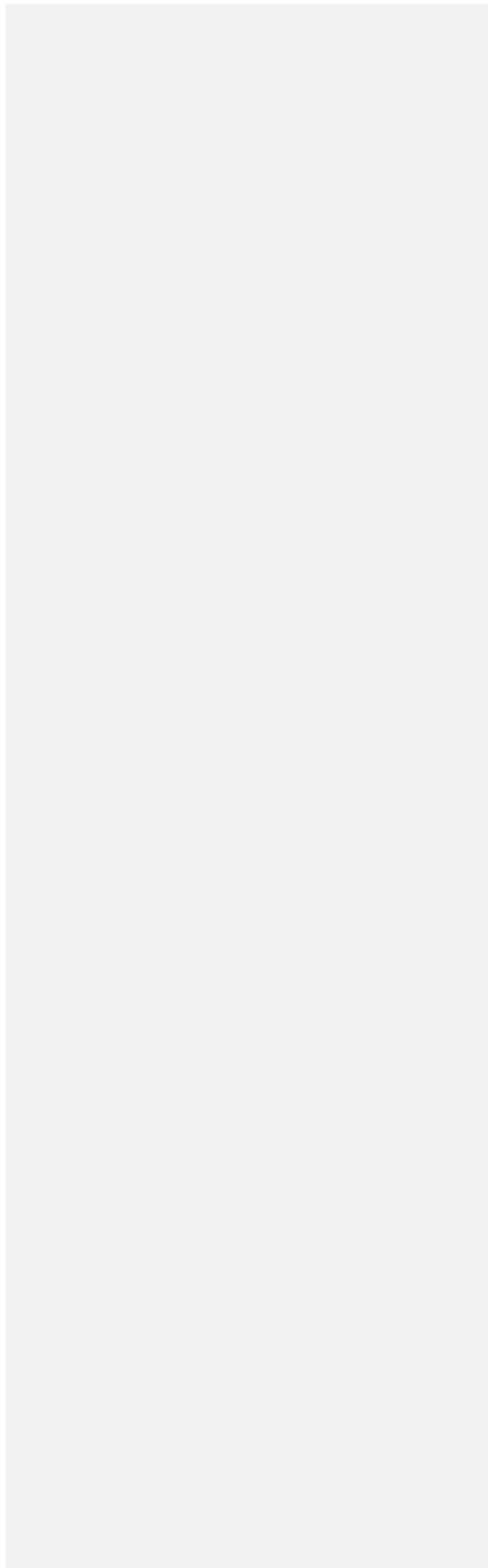
### **Honesty**

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.





### **Appendix B Registering interests**

Within 28 days of becoming a member 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 as 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.

1. 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.
2. 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.
3. 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 agrees they will withhold the interest from the public register.

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

4. 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.

5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

**Disclosure of Other Registerable Interests**

6. Where a matter arises at a meeting which **directly relates** to 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 a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

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

7. 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.

8. Where a matter arises at a meeting which **affects** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a relative, close associate; or
- c. a body included in those you need to disclose 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

9. Where a matter **affects** your financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. 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.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

<u>Subject</u>	<u>Description</u>
<u>Employment, office, trade, profession or vocation</u>	<u>Any employment, office, trade, profession or vocation carried on for profit or gain.</u> <u>[Any unpaid directorship.]</u>
<u>Sponsorship</u>	<u>Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses.</u> <u>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</u>

<p><u>Contracts</u></p>	<p><u>Any contract made between the councillor or his/her spouse or civil partner or the person with whom the</u></p>
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	<p><u>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council</u></p> <p>=</p> <p><u>(a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.</u></p>
<p><u>Land and Property</u></p>	<p><u>Any beneficial interest in land which is within the area of the council.</u></p> <p><u>'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.</u></p>

<p><b><u>Licenses</u></b></p>	<p><u>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</u></p>
<p><b><u>Corporate tenancies</u></b></p>	<p><u>Any tenancy where (to the councillor's knowledge)—</u></p> <p><u>(a) the landlord is the council; and</u></p> <p><u>(b) the tenant is a body that 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 is a partner of or a director* of or has a beneficial interest in the securities* of.</u></p>
<p><b><u>Securities</u></b></p>	<p><u>Any beneficial interest in securities* of a body where—</u></p> <p><u>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</u></p> <p><u>(b) either—</u></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

(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, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were

	<u>spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</u>
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\* 'director' includes a member of the committee of management of an industrial and provident society.

\* '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 Registrable Interests**

You have a personal interest in any business of your authority where it relates to or is likely to affect:

a) any body of which you are in general control or management and to which you are nominated or appointed by your authority

b) any body

(i) exercising functions of a public nature

(ii) any body 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),

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### Appendix C Dispensations

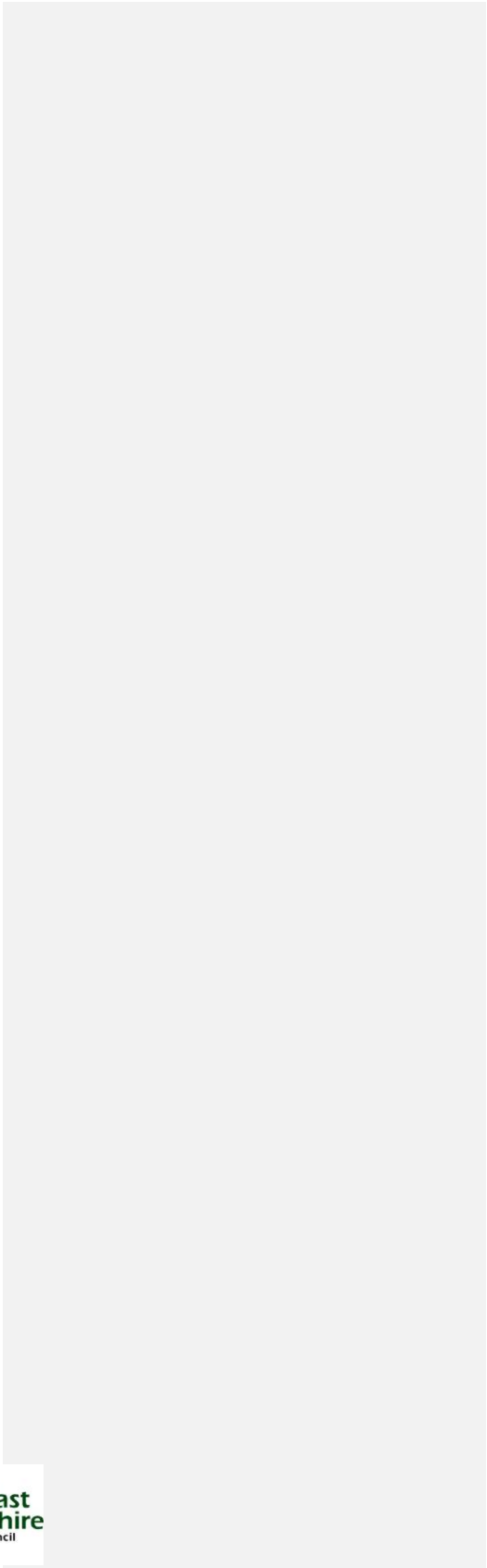
- 7.1 The Council may, on a written request made to the Council's Monitoring Officer by a Councillor, grant a dispensation relieving the Councillor from all or any of the restrictions in paragraph 1.19-2 in cases described in the dispensation.
- 7.2 The Council may grant a dispensation only if, after having had regard to all relevant circumstances, the Council considers that:
- 7.2.1 without the dispensation the number of persons prohibited by Section 31(4) Localism Act 2011 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business.
  - 7.2.2 without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.
  - 7.2.3 granting the dispensation is in the interests of persons living in the authority's area.
  - 7.2.4 without the dispensation each member of the Council's executive would be prohibited by Section 31(4) Localism Act 2011 from participating in any particular business to be transacted by the Council's executive, or
  - 7.2.5 it is otherwise appropriate to grant a dispensation.
- 7.3 A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.

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~~RESPECT ETC.~~

- ~~3.1 — Councillors must treat others with respect.~~
- ~~3.2 — Councillors must comply with their statutory obligations.~~
- ~~3.3 — Councillors must not do anything which may cause the Council to breach any of the equality enactments.~~
- ~~3.4 — Councillors must not do anything which falls within the IHRA Working Definition of Anti-Semitism.~~
- ~~3.5 — Councillors must not do anything which falls within the APPG Definition of Islamophobia.~~
- ~~3.6 — Councillors must not bully any person.~~
- ~~3.7 — Councillors must not intimidate nor attempt to intimidate any person who is or is likely to be:
  - ~~3.7.1 — a complainant;~~
  - ~~3.7.2 — a witness; or~~
  - ~~3.7.3 — involved in the administration of any investigation or proceedings,~~  
~~in relation to an allegation that a Councillor (including that Councillor) has failed to comply with their authority's code of conduct.~~~~
- ~~3.8 — Councillors must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.~~

~~CONFIDENTIAL INFORMATION ETC.~~

- ~~3.9 — Councillors must not disclose information given to them in confidence by anyone, or information acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, except where:
  - ~~3.9.1 — they have the consent of a person authorised to give it; or~~
  - ~~3.9.2 — they are required by law to do so; or~~
    - ~~3.9.3 — the disclosure is:
      - ~~3.9.3.1 — reasonable and in the public interest; and~~
      - ~~3.9.3.27.3.1 made in good faith and in compliance with the reasonable requirements of the Council.~~~~~~

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~~3.10 — Councillors must not prevent another person from gaining access to information to which that person is entitled by law.~~

~~DISREPUTE~~

~~3.11 — Councillors must not conduct themselves in a manner which could reasonably be regarded as bringing their office or the Council into disrepute.~~

~~IMPROPER ADVANTAGE ETC~~

~~3.12 — Councillors must not use or attempt to use their position as a councillor improperly to confer on or secure for themselves or any other person, an advantage or disadvantage.~~

~~3.13 — Councillors must, when using or authorising the use by others of the resources of the Council:~~

~~3.13.1 act in accordance with the Council's reasonable requirements;~~

~~3.13.2 ensure that such resources are not used improperly for political purposes (including party political purposes);~~

~~3.14 — Councillors must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.~~

~~DECISION MAKING~~

~~3.15 — When reaching decisions on any matter, Councillors must have regard to any relevant advice provided to them by:~~

~~3.15.1 the Council's Chief Finance Officer; and~~

~~3.15.2 the Council's Monitoring Officer,~~

~~where that officer is acting pursuant to their statutory duties.~~

~~3.16 — Councillors must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.~~

~~INVESTIGATIONS~~

~~3.17 — Councillors must co-operate with any investigations or other procedures in relation to an alleged breach of this Code of Conduct.~~



## 4—DISCLOSABLE PECUNIARY INTERESTS

- 4.1—A Councillor has a Disclosable Pecuniary Interest in any business of the Council if the interest is of a description set out in paragraph 4.2 below and is an interest of a Relevant Person and, if the Relevant Person is not the Councillor, the Councillor is aware that that other person has the interest.
- 4.2—“Disclosable Pecuniary Interests” are as defined from time to time by the Secretary of State in Regulations. The Regulations current at the time of adoption of this Code are The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and are set out in Appendix 2.

## 5—REGISTRATION OF DISCLOSABLE PECUNIARY INTERESTS

- 5.1—Subject to paragraph 7, Councillors must, within 28 days of this Code being adopted by the Council or their election or appointment to office (whichever is the later), register in the Council's Register of Councillors' Interests (maintained under section 29(1) of the Localism Act 2011) details of their Disclosable Pecuniary Interests (as referred to in paragraph 4 above) by completing the appropriate form and delivering this to the Council's Monitoring Officer.
- 5.2—Subject to paragraph 7, Councillors must, within 28 days of becoming aware of any Disclosable Pecuniary Interests (as referred to in paragraph 4 above) which they have not registered, or any change to such an interest which they have registered under paragraph 5.1, register details of that unregistered interest or change by completing the appropriate form and delivering this to the Council's Monitoring Officer.

## 6—ORDINARY INTERESTS

- 6.1—A Councillor has an “Ordinary Interest” in any business of the Council where it is not a Disclosable Pecuniary Interest but either:
- 6.1.1—a decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:
- 6.1.1.1—the Councillor;
  - 6.1.1.2—a member of the Councillor's family; or
  - 6.1.1.3—any person with whom they have a close association

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~~to a greater extent than it would affect the majority of other council tax payers, ratepayers or inhabitants of the electoral ward for which the Councillor has been elected; or~~

~~6.1.2 it relates to or is likely to affect any of the interests listed in the table of Disclosable Pecuniary Interests set out in Appendix 2 but in respect of a member of the Councillor's family (other than a Relevant Person) or of any person with whom they have a close association.~~

## ~~7 Sensitive Information~~

~~7.1 Paragraphs 7.2 and 7.3 apply where:~~

~~7.1.1 a Councillor has an interest (whether or not a Disclosable Pecuniary Interest), and~~

~~7.1.2 the nature of the interest is such that the Councillor, and the Council's Monitoring Officer, decide in writing that disclosure of the details of the interest could lead to the Councillor, or a person connected with the Councillor, being subject to violence or intimidation.~~

~~7.2 If the interest is entered in the Council's register, copies of the register that are made available for inspection, and any published version of the register, will not include details of the interest (but may state that the Councillor has an interest the details of which are withheld under subsection 32(2) Localism Act 2011).~~

~~7.3 If paragraph 8.2 or paragraph 10.4 applies in relation to the interest, that paragraph is to be read as requiring the Councillor to disclose not the interest but merely the fact that the Councillor has an interest in the matter concerned.~~

~~7.4 If a Councillor becomes aware of any change of circumstances which means that information excluded from the register under paragraph 7.2 is no longer sensitive information, they must notify the Council's Monitoring Officer so that the register can be amended.~~

## ~~8 Disclosure of Interests at Meetings~~

~~8.1 Paragraphs 8.2 and 8.3 apply if a Councillor:~~

~~8.1.1 is present at a meeting;~~

~~8.1.2 has a Disclosable Pecuniary Interest or an Ordinary Interest in any matter to be considered, or being considered, at the meeting; and~~

~~8.1.3 is aware or ought reasonably to be aware that the condition in paragraph 8.1.2 is met.~~

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8.2 — Subject to paragraph 7.3, the Councillor must disclose the existence and the nature of the interest to the meeting.

8.3 — If the interest is a Disclosable Pecuniary Interest which is not entered in the Council's register and is not the subject of a pending notification, the Councillor must notify the Council's Monitoring Officer of the interest as soon as possible and in any event before the end of 28 days beginning with the date of the disclosure.

## 9 — Participation at Meetings

9.1 — Paragraph 9.2 applies if a Councillor:

9.1.1 — is present at a meeting;

9.1.2 — has either:

9.1.2.1 — a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at the meeting; or

9.1.2.2 — an Ordinary Interest in any matter to be considered, or being considered, at the meeting and 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 the Councillor's judgment of the public interest; and

9.1.3 — in the case of an Ordinary Interest, is aware or ought reasonably to be aware that the condition in paragraph 9.1.2.2 is met.

9.2 — Subject to paragraph 11, the Councillor:

9.2.1 — must not participate, or participate further, in any discussion of the matter at the meeting;

9.2.2 — must not participate in any vote, or further vote, taken on the matter at the meeting; and

9.2.3 — must withdraw from the room where the meeting considering the business is being held.

## 10 — Matters Considered by a Single Councillor

10.1 — This paragraph applies if:

10.1.1 — a function of the Council may be discharged by a Councillor acting alone;

10.1.2 — a Councillor has either a Disclosable Pecuniary Interest or an Ordinary Interest in any matter to be dealt with, or being dealt with, by that Councillor in the course of discharging that function; and

10.1.3 — in the case of an Ordinary Interest, the Councillor is aware, or ought reasonably to be aware, of that interest.

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~~10.2~~ If the interest is a Disclosable Pecuniary Interest which is not entered in the Council's register and is not the subject of a pending notification, the Councillor must notify the Council's Monitoring Officer of the interest as soon as possible and in any event before the end of 28 days beginning with the date when the Councillor becomes aware, or ought reasonably to be aware, of that interest in relation to that matter.

~~10.3~~ If the interest is either:

~~10.3.1~~ a Disclosable Pecuniary Interest; or

~~10.3.2~~ an Ordinary Interest 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 the Councillor's judgment of the public interest

~~the Councillor must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the Councillor).~~

~~10.47.4~~ Subject to paragraph ~~7.3~~, the Councillor must ensure that any written statement of any decision taken by them in relation to that business records the existence and nature of that interest.

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## ~~11.9~~ DISPENSATIONS

~~11.1~~ The Council may, on a written request made to the Council's Monitoring Officer by a Councillor, grant a dispensation relieving the Councillor from all or any of the restrictions in paragraph 9.2 in cases described in the dispensation.

~~11.2~~ The Council may grant a dispensation under paragraph 11.1 only if, after having had regard to all relevant circumstances, the Council considers that:

~~11.2.1~~ without the dispensation the number of persons prohibited by Section 31(4) Localism Act 2011 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,

~~11.2.2~~ without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,

~~11.2.3~~ granting the dispensation is in the interests of persons living in the authority's area,

~~11.2.4 without the dispensation each member of the Council's executive would be prohibited by Section 31(4) Localism Act 2011 from participating in any particular business to be transacted by the Council's executive, or~~

~~11.2.5 it is otherwise appropriate to grant a dispensation.~~

~~11.3 A dispensation under paragraph 11.1 must specify the period for which it has effect, and the period specified may not exceed four years.~~

~~11.4 Paragraph 9.2 does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under paragraph 11.1.~~

## THE GENERAL PRINCIPLES

### *Selflessness*

1. Councillors should act solely in terms of the public interest.

### *Integrity*

2. Councillors 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*

3. Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### *Accountability*

4. Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### *Openness*

5. Councillors 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*

6. Councillors should be truthful.

### *Leadership*

7. Councillors 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.

## DISCLOSABLE PECUNIARY INTERESTS

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	<p>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—</p> <ul style="list-style-type: none"><li>(a) under which goods or services are to be provided or works are to be executed; and</li><li>(b) which has not been fully discharged.</li></ul>
Land	<p>Any beneficial interest in land which is within the area of the relevant authority.</p>
Licences	<p>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</p>
Corporate tenancies	<p>Any tenancy where (to M's knowledge)—</p> <ul style="list-style-type: none"><li>(a) the landlord is the relevant authority; and</li><li>(b) the tenant is a body in which the relevant person has a beneficial interest.</li></ul>
Securities	<p>Any beneficial interest in securities of a body where—</p> <ul style="list-style-type: none"><li>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</li><li>(b) either—</li></ul> <ul style="list-style-type: none"><li>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</li><li>(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.</li></ul>