

CHAPTER 9.2 - CODE OF CONDUCT FOR COUNCILLORS

9.2.1 Introduction

This Code of Conduct applies to Councillors and Co-opted Members whenever they are acting as a Member or as a representative of the Council or when they claim to act or give the impression of acting as a representative of the Council.

It does not apply to when the Councillor or Co-opted Member is acting in a private capacity.

When carrying out their public role, Councillors and Co-opted Members should always have regard to the seven principles of public life. These are: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Councillors and Co-opted Members should also read the Code of Conduct together with the Member/Officer Protocol and other sections of the Council's Constitution relating to ethical and financial probity.

Any person may make a complaint if a Councillor or Co-opted Member does not act in accordance with this Code. The Local Government and Social Care Ombudsmen may also regard a breach of the Code as incompatible with good administration, and may make a finding of maladministration by the Council in some circumstances. It is the Councillor and Co-opted Member's sole responsibility to comply with the Code.

A Members' Interest form is provided by the Monitoring Officer to register interests. It should be noted that the form will be published on the Council's website. When a Councillor or Co-opted Member declares an interest at a meeting of the Council, they should be aware that this will be noted in the Minutes of the Meeting, which is a public document, and also on the Member's page on the website.

If any Councillor or Co-opted Member is unsure about any part of the Code of Conduct, they are urged to seek advice from the Monitoring Officer or Deputy Monitoring Officer.

There are three areas to the Code of Conduct:

- a) Rules about registration of Disclosable Pecuniary Interests and Personal Interests with the Monitoring Officer, using the Members Interest Form [Rule 9.2.3](#)
- b) Rules about declaring interests in meetings where items on the agenda conflict with those interests ([Rules 9.2.4](#), [9.2.5](#) and [9.2.6](#))
- c) Rules about general behaviour ([Rule 9.2.8](#))

9.2.2 Interpretation

- a) "Co-opted Member" means a person who is a member of any committee or sub-committee of the Council or is a member of and represents the authority on any joint committee of the Council and who is entitled to vote on any question which falls to be decided at any committee or sub-committee.
- b) "Councillor" means a Member or Co-opted Member of this Council.

- c) "Meeting" means any meeting of:
 - i) the Council;
 - ii) the Executive of the Council, including when making an Individual Executive Decision;
 - iii) any of the Council's or the Executive's committees, sub-committees, joint-committees, joint sub-committees, or area committees;
- d) "Member" includes a co-opted Member and an appointed Member of this Council

9.2.3 Registration of Disclosable Pecuniary Interests and Personal Interests

9.2.3.1

Within 28 days of this Code being adopted by the Council, OR the Councillor's election, OR the Co-opted Member's appointment (whichever is later) Councillors must register with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B.

9.2.3.2

Upon the re-election of the Councillor or the re-appointment of the Co-opted Member, Councillors must within 28 days re-register with the Monitoring Officer any interests in Appendices A and B.

9.2.3.3

Councillors must register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of the change.

9.2.3.4

Councillors need not register any interest which the Monitoring Officer agrees is a 'sensitive interest' A sensitive interest is one which, if made public, could lead to the Councillor or a person connected to a Councillor being subject to violence or intimidation.

9.2.4 Declaration of Disclosable Pecuniary Interests at Meetings

9.2.4.1 Where a matter arises at a meeting which relates to an interest in Appendix A, Councillors must do the following:

9.2.4.2 They should declare their interest at the beginning of the meeting when asked to do so by the Chairman or Mayor, or if not then, they must do so before the matter is discussed. They must do so regardless of whether or not the interest is registered in their Members Interest form.

9.2.4.3 Where a matter arises at a meeting which is a sensitive interest as defined under [Rule 9.2.3.4](#) Councillors do not have to declare the exact nature of their interest but must follow the rules regarding non-participation, in Rules in [9.2.4.4](#) and [9.2.4.5](#)

9.2.4.4 When the item is introduced at the meeting, Councillors may continue to attend the meeting but only for the purpose of making representations, answering questions or giving evidence provided that the public are also allowed to attend the meeting for the same purpose.

9.2.4.5 They must then leave the room before the matter is discussed and voted upon.

9.2.5 Declaration of Personal Interests at Meetings

9.2.5.1

Where a matter arises at a meeting which relates to or affects an interest in [Appendix B](#) or a financial interest of the Councillor, a friend, relative or close associate (and it is not a Disclosable Pecuniary Interest listed in [Appendix A](#)), Councillors must do the following:

9.2.5.2

They should declare the interest at the beginning of the meeting when asked to do so by the Chairman or Mayor as a “Personal Interest” or if not then, they must do so before the matter is discussed or voted upon. They must do so regardless of whether or not the interest is registered in their Members Interest form.

9.2.5.3

Where a matter arises at a meeting which is a sensitive interest as defined under [Rule 9.2.3.4](#) Councillors do not have to declare the exact nature of their interest

9.2.5.4

They may however participate in the discussion and vote on the matter, subject to [Rule 9.2.6](#)

9.2.6 Declaration of Prejudicial Interests at Meetings

9.2.6.1

Where the matter affects the declared interest under [Rule 9.2.5.1](#) more than the majority of people in the area affected by the decision, and a reasonable member of the public would think the Councillor’s view of the public interest would be adversely affected, the Councillor must do the following:

9.2.6.2

They should declare this as a Prejudicial interest at the beginning of the meeting when asked to do so by the Chairman or Mayor, or if not then, they must do so before the matter is discussed.

9.2.6.3

Where a matter arises at a meeting which is a sensitive interest as defined under [Rule 9.2.3.4](#) Councillors do not have to declare the exact nature of their interest but must follow the rules regarding non-participation, in [Rules 9.2.6.4](#) and [9.2.6.5](#)

9.2.6.4

When the item is introduced at the meeting, Councillors may continue to attend the meeting but only for the purpose of making representations, answering questions or giving evidence provided that the public are also allowed to attend the meeting for the same purpose.

9.2.6.5

They must then leave the room before the matter is discussed or voted upon.

9.2.7 Dispensations

9.2.7.1

On a written request, the Monitoring Officer or Deputy Monitoring Officer may grant a Councillor a dispensation to participate in a discussion and/or vote on a matter at a meeting where they would otherwise not be allowed to if the Monitoring Officer or Deputy Monitoring Officer believes that the number of Councillors 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 Councillor to take part or it is otherwise appropriate to grant a dispensation. The dispensation will last no longer than 4 years from the date of the dispensation.

9.2.8 Behaviour

9.2.8.1

Councillors must not behave such a way that a reasonable person would regard as disrespectful to others.

9.2.8.2

Councillors must not act in a way which a reasonable person would regard as bullying, or in any way which is intimidating to others. Supporting Guidance on Bullying and Intimidation can be found at [Appendix C](#).

9.2.8.3

Councillors must not seek to improperly confer an advantage or disadvantage on any person.

9.2.8.4

Councillors must only use the resources of the Council when undertaking Council business.

9.2.8.5

Councillors must not disclose information which is confidential or where disclosure is prohibited by law, unless he or she has the consent of the person authorised to give it, or he or she is required by law to do so.

9.2.8.6

Councillors must respect the impartiality of officers and not put undue pressure on them.

9.2.8.7

Councillors must not do anything which may cause their Council to breach any of the equality enactments (as defined in the Equality Act 2010).

9.2.8.8

Councillors must notify the Monitoring Officer of any gifts or hospitality worth more than an estimated value of £25 which the Councillor has received by virtue of his or her office or any gifts or hospitality worth more than an estimated value of £25 which they have been offered but which they subsequently declined.

DISCLOSABLE PECUNIARY INTERESTS

Interests defined by regulations made under s30(3) of the Localism Act 2011 and described in the table below.

(In the extracts from the Regulations below, 'M' means you and 'relevant person' means you and your partner). "Partner" means a spouse or civil partner of M, or a person with whom M is living as husband and wife or a person with whom M is living as if they were civil partners

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>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.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
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> <p>a) under which goods or services are to be provided or works are to be executed; and</p> <p>b) which has not been fully discharged.</p>
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	<p>Any tenancy where (to M's knowledge)—</p> <p>a) the landlord is the relevant authority; and</p> <p>b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>b) either—</p> <p>i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

These descriptions on Disclosable Pecuniary Interests above are subject to the following definitions;

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.

IMPORTANT NOTE:

Under s34 of the Localism Act 2011 it is a criminal offence if a Member or co-opted Member:

- a) fails to notify the Monitoring Officer of any Disclosable Pecuniary Interest within 28 days of election;
- b) fails to disclose a Disclosable Pecuniary Interest at a meeting of the Council if that interest is not included on the register;
- c) participates in any discussion or vote on a matter in which they have a Disclosable Pecuniary Interest;
- d) fails to notify the Monitoring Officer within 28 days of a Disclosable Pecuniary Interest that is not included on the register that they have disclosed to a meeting;
- e) as an Executive Member discharging a function acting alone i.e. an Individual Executive Member Decision, and having a Disclosable Pecuniary Interest in such a matter, fails to notify the Monitoring Officer within 28 days of the interest;

- f) As an Executive Member discharging a function acting alone, i.e. an Individual Executive Member Decision, and having a Disclosable Pecuniary Interest in such a matter, participates in any steps, or further steps in relation to the matter.
- f) knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a Disclosable Pecuniary Interest or in disclosing such an interest to a meeting.

REGISTERED PERSONAL INTERESTS

Councillors must register:

- i) any body of which the Councillor is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- ii) any body
 - exercising functions of a public nature; or
 - directed to charitable purposes; or
 - one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
 - of which the Councillor is a member or in a position of general control or management;

Guidance on Bullying and Intimidation ([Rule 9.2.8.2](#) Code of Conduct)

[Rule 9.2.8.2](#) of the Code of Conduct says: Councillors must not act in a way which a reasonable person would regard as bullying, or in any way which is intimidating to others. The following guidance is based on Standards for England Guidance, now archived after it was abolished by the Localism Act 2011, as well as guidance issued by ACAS¹.

It is important to remember that such behaviour will only be caught by the Code of Conduct if a Member is acting, or giving the impression they are acting, as a Member of the Authority, and not in his or her private capacity.

What is 'bullying' and 'intimidation'?

Using ACAS guidance as a starting point, the Standards Committee has agreed a definition of bullying as 'offensive, intimidating or malicious behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient'. A victim's obvious vulnerability will be taken into account when assessing whether bullying has occurred.

Bullying conduct can involve behaving in an abusive or threatening way, or making allegations about people in public, in the company of their colleagues, through the press or in blogs. It may happen once or be part of a pattern of behaviour, although minor isolated incidents are unlikely to be considered bullying. It is also unlikely that a Member will be found guilty of bullying when both parties have contributed to a breakdown in relations.

Bullying should be contrasted with the legitimate challenges which a Member can make in challenging policy or scrutinising performance. Contributing to debates in Council meetings about policy and asking officers to explain the rationale for their professional opinions are to be encouraged. All Members should feel free to challenge fellow Councillors and professional Officers as to why their views are held. However, Members need to be careful about criticism which becomes offensive in nature which will cross the line of what a reasonable person would find acceptable.

Criticism of Officers

The Council is under a legal obligation to ensure that officers work in a safe environment and the same rules about their interaction with the public apply equally to their work with Members. Anyone should feel free to express disagreement with officers, so long as it is done in an appropriate way. Officers should make decisions which are unbiased, and attempts to coerce them or persuade them to act in a particular way to a point where to do so would prejudice their professional integrity would not be acceptable.

Examples of intimidation and bullying from the archived Standards for England website:

Councillor W. was a Member of a town council in the East of England conducted a relentless campaign of destructive criticism against the clerk, councillors and the council. This campaign included making unsubstantiated and inappropriate complaints about the clerk in website postings, newsletters and numerous letters. The councillor's behaviour placed a significant drain on both council resources and members' time, caused staff great stress and ill health, and disrupted the normal running of the council.

Councillor S was a Member of a metropolitan authority in the North West of England. He verbally abused a woman who worked as a cleaner for the Council, after a minor traffic accident. Councillor S told her that he was going to report her to her employer and get her sacked. The tribunal decided that a reasonable person with knowledge of the circumstances would consider that the Councillor had bullied and threatened the cleaner.

Councillor P was a Member of a district council in the East Midlands. He was abusive and aggressive towards an officer, shouting at her and publicly threatened to sack another officer. He also improperly put pressure on staff involved in discussions with their trade union and in doing so compromised their impartiality. The tribunal found his behaviour had caused others unnecessary fear and ill health.

¹ Bullying and harassment at work: [A guide for managers, ACAS June 2014 and Archived content for Standards for England; guidance on 'Bullying and Intimidation' available upon request from the Borough Solicitor, or to download:](#)