

Desborough Town Council

Councillors' Code of Conduct

A. Purpose

The purpose of the Code of Conduct is to assist Councillors in modelling the behaviour that is expected 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 Members and Local Government. Where a person believes that a Member has not met the obligations of the Code of Conduct then that person can make a complaint to the Monitoring Officer.

B. To whom this Code of Conduct applies

For readability, the term "Councillor" is used throughout this document but readers should note that the entire Code of Conduct also applies to non-Councillor voluntary post-holders appointed by the Council acting in that capacity; and to non-Councillor members of Committees, Sub-Committees, Advisory Committees, and Panels, appointed by the Council whilst they are acting as members of those bodies.

C. 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.

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.

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 exercise my responsibilities in the interests of the local community impartially;
- 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 Council's requirements and in the public interest.

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D. Application of the Code of Conduct

This Code of Conduct applies as soon as a Councillor's declaration of acceptance of the office of Councillor is signed, or a person attends their first meeting, and it continues to apply until they cease to be a Councillor.

This Code of Conduct applies to when a person is acting in their capacity as a Councillor which may include when:-

- they misuse their position as a Councillor,
- their actions would give the impression to a reasonable member of the public with knowledge of all the facts that they 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.

Councillors are also expected to uphold high standards of conduct and show leadership at all times when acting as a Councillor.

North Northamptonshire Council's Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct for Desborough Town Council. Councillors are encouraged to seek advice from the Town Clerk in the first instance, who may refer matters to the Monitoring Officer.

E. Standards of Councillor conduct

This section sets out the obligations, which are the minimum standards of conduct required of Councillors. Should a Councillor's conduct fall short of these standards, a complaint may be made against them, which may result in action being taken. Guidance is included to help explain the reasons for the obligations and how they should be followed.

(I) General Conduct

1. Respect as a Councillor:

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. Councillors can express, challenge, criticise, and disagree with views, ideas, opinions, and policies in a robust but civil manner. They should not, however, subject individuals, groups of people, or organisations to personal attack.

Councillors should treat members of the public politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Councillors. In return, Councillors have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory, or threatening Councillors are entitled to stop any conversation or interaction in person or online and report them to the Council, the relevant social media provider, or the police. This also applies to fellow Councillors, where action could then be taken under the Councillors' Code of Conduct, and to Council employees, where concerns should be raised in line with the Council's Member / 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.

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

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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. They should not be coerced or persuaded to act in a way that would undermine their neutrality. Councillors 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, Councillors 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:

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. Councillors 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.

Councillors, are trusted to make decisions on behalf of their community and their actions and behaviour are subject to greater scrutiny than those of ordinary members of the public. Councillors should be aware that their actions might have an adverse impact on them, other Councillors, and/or the Council and may lower the public's confidence in the Councillor's or Council's ability to discharge their functions. For example, behaviour that is considered dishonest and/or deceitful can bring the Council into disrepute.

Councillors are able to hold the 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.

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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.**

A Councillor's position as a Member of the Council provides them with certain opportunities, responsibilities, and privileges, and Councillors make choices all the time that will impact others. However, Councillors must not take advantage of these opportunities to further their 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 Council 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 unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.

Councillors may be provided with resources and facilities by the Council to assist them in carrying out their 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 Councillors to help them carry out their 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.**
- 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 Councillors to demonstrate high standards, for them to have their actions open to scrutiny, and for them to not undermine public trust in the local authority or its governance. If a Councillor does not understand or is concerned about the Council's processes in handling a complaint you should raise this with the Town Clerk in the first instance who may refer the matter to the Monitoring Officer.

B. Protecting your reputation and the reputation of the local authority

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. Councillors need to register their interests so that the public, local authority employees, and fellow Councillors know which 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 Councillors by allowing them to demonstrate openness and a willingness to be held accountable.

Councillors are personally responsible for deciding whether or not they should disclose an interest in a meeting, but it can be helpful for them 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 any Councillor 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.

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Councillors 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 A sets out the detailed provisions on registering and disclosing interests. If in doubt, Councillors should always seek advice from the Town Clerk in the first instance and if necessary thereafter the 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 their position as a Councillor and the reputation of the Council, Councillors should exercise caution in accepting any gifts or hospitality which are (or which they may reasonably believe to be) offered to them because they are a Councillor.

The presumption should always be to not 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 Councillors may accept it but they must ensure it is publicly registered. However, Councillors do not need to register gifts and hospitality which are not related to their role as a Councillor, such as Christmas gifts from friends and family.

It is also important to note that it is appropriate to accept normal expenses and hospitality associated with their duties as a Councillor. If they are unsure, Councillors should contact the Town Clerk in the first instance and if necessary thereafter the Monitoring Officer for guidance.

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". The signed declaration should be delivered to the Town Clerk to place on the Town Council's website and to pass to the Monitoring Officer.

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 through the Town Clerk by completing a replacement Register of Interest form.

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 of 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

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 at the meeting, 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 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

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 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.

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 friend, relative, close associate; or
- c. a body included in those you need to disclose under Disclosable Pecuniary 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** your financial interest or well-being:

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

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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](#).

| INTEREST | DESCRIPTION |
|--|---|
| Employment, office, trade, profession or vocation | Any employment, office, trade, profession, or vocation carried on by you for profit or gain. |
| Sponsorship | Any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a Member, or towards your 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 which is made between you (or a body in which you have a beneficial interest) 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 | Any beneficial interest in land which is within the area of the Council. |
| Licences | Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer. |
| Corporate tenancies | Any tenancy where (to your knowledge) (a) the landlord is the Council; and, (b) the tenant is a body in which you have a beneficial interest. |
| Securities | Any beneficial interest in securities of a body where: (a) that body (to your 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) where 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 you have a beneficial interest exceeds one hundredth of the total issued share capital of that class. |

“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 a registered society within the meaning given by section 1(1) of the co-operative and community benefit Societies Act 2014, other than a society registered as a credit union.

“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;

“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.

Other Registerable Interests

You have a personal interest in any business of the Council 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 the Council;
- 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).