

# PAPPLEWICK PARISH COUNCIL

## Members' Code of Conduct



Adopted by the Council: November 2019

# **PAPPLEWICK PARISH COUNCIL**

## **Members' Code of Conduct**

### **PART 1 - General Provisions**

#### **1. Introduction**

- 1.1 Papplewick Parish Council is committed to promoting and maintaining high standards of conduct by Members and co-opted Members of the Council. The actions of those who represent the Council impact on how the Council as a whole is viewed. Misconduct can seriously damage the effectiveness and reputation of the Council and will not be tolerated. Those serving their communities must adhere to the high standards expected of them to promote public confidence in local democracy.
- 1.2 This Code of Conduct has been adopted by the Council under Section 27 of the Localism Act 2011 and sets out the standards that Members are expected to observe.

#### **2. Interpretation**

- 2.1 This Code applies to all Members of the Council.
- 2.2 It is a councillor's responsibility to comply with the provisions of this Code. Failure to do so may result in a sanction being imposed by the Council. Failure to take appropriate action in respect of a disclosable Pecuniary Interest may result in a criminal conviction.
- 2.3 In this Code:
- “Meeting” means any meeting of:
- (a) The Council;
  - (b) The executive of the Council;
  - (c) Any of the Council's or its Executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;
- “Member” includes a co-opted member or an appointed member.

#### **3. Scope**

- 3.1 Subject to sub-paragraphs 3.2 and 3.3 below, a councillor must comply with this Code whenever they:

- (a) Conduct the business of the Council (which, in this Code, includes the business of the office to which they are elected or appointed); or
- (b) Act, claim to act or give the impression they are acting as a representative of the Council;

And references to their official capacity are construed accordingly.

3.2 Where a councillor acts as a representative of the Council:

- (a) on another relevant authority, they must, when acting for that other authority, comply with that other authority's Code of Conduct; or
- (b) on any other body, they must, when acting for that other body, comply with this Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3.3 This Code does not have effect in relation to a councillor's conduct other than where it is in their official capacity.

#### **4. The Seven Principles of Public Life**

4.1 A councillor must observe the following general principles:

##### **Selflessness**

They should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or friends.

##### **Integrity**

They should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

##### **Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, they should make choices on merit.

##### **Accountability**

They are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

##### **Openness**

They should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

### **Honesty**

They have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

### **Leadership**

They should promote and support these principles by leadership and example.

## **5. General Obligations**

5.1 A councillor must:

- (a) Treat others with respect, including the organisations and public they engage with and those they work alongside.
- (b) Value their colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect between them that is essential to good local government.

5.2 A councillor must not:

- (a) Do anything which may cause the Council to breach the Equality Act 2010;
- (b) Bully or harass any person;  
The definition of bullying and harassment and examples of behaviour which amounts to bullying and harassment are set out in Appendix 1 to the Code of the Conduct.
- (c) Intimidate or attempt to intimidate any person who is or is likely to be:
  - a complainant;
  - a witness;
  - involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including themselves) has failed to comply with the Code of Conduct; or
- (d) Do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

5.3 A councillor must not:

- (a) 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:

- they have the consent of a person authorised to give it;
- they are required by law to do so;
- the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- the disclosure is:
  - (a) Reasonable and in the public interest; and
  - (b) Made in good faith and in compliance with the reasonable requirements of the Council; or
- (b) Prevent another person from gaining access to information to which that person is entitled by law.

5.4 A councillor must not conduct themselves in a manner which could reasonably be regarded as bringing the office or the Council into disrepute.

- (a) You must not make trivial or malicious allegations that another Member has failed to comply with the Code of Conduct.
- (b) You must comply with any formal standards investigation carried out in relation to an allegation that you have failed to comply with the Code of Conduct.

5.5 A councillor must:

- (a) Not use or attempt to use their position as a member improperly to confer on or secure for themselves or any other person, an advantage or disadvantage;
- (b) When using or authorising the use by others of the resources of the Council:
  - act in accordance with the Council's reasonable requirements; and
  - ensure that such resources are not used improperly for political purposes (including party political purposes);
- (c) Have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986;
- (d) Behave in accordance with all legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures.

- 5.6 When reaching decisions on any matter;
- A councillor must listen to the interests of all parties and have regard to relevant advice provided to them by:
    - (a) The Council's Finance Officer; or
    - (b) The Council's Monitoring Officer;(where that officer is acting pursuant to his or her statutory duties) and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
  - A councillor must:
    - (a) exercise independent judgement and not compromise their position by placing themselves under obligations to outside individuals or organisations who might seek to influence the way they perform their duties as a member.
    - (b) contribute to making the Council's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding them and other members to account.
    - (c) be accountable for their decisions and co-operate when scrutinised internally and externally, including by local residents.
- 5.7 A councillor must:
- (a) champion the needs of residents – the whole community and their constituents, including those who did not vote for them – and put their interests first.
  - (b) deal with representations, or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
  - (c) not allow other pressures, including their own financial interests or others connected to them, to deter them from pursuing constituents casework, the interests of the Council's area or the good governance of the Council in a proper manner.
- 5.8 A councillor must provide leadership by behaving in accordance with these principles when championing the interests of the community with other organisations as well as within the Council.

## **PART 2 - Interests**

### **Disclosable Pecuniary Interests**

#### **6. Disclosable Pecuniary Interests**

- 6.1 A councillor has a disclosable pecuniary interest in any business of the Council where it is of a description set out in paragraph 6.2 and either:
- (a) it is an interest of theirs; or
  - (b) it is an interest of their spouse or civil partner and they are aware that the other person has the interest; or
  - (c) it is an interest of a person with whom they are living as husband and wife and they are aware that the other person has the interest; or
  - (d) it is an interest of a person with whom they are living as if they were civil partners and they are aware that the other person has the interest.
- 6.2 Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

#### **Interest**

Employment, office, trade, profession or vocation

#### **Prescribed description**

Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship

Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by them 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 them, their spouse or civil partner or person with whom they are living as a spouse or civil partner (or a body in which they or they 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.

*For this purpose “body in which they or they have 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	<p>Any beneficial interest in land which is within the Council’s area.</p> <p><i>For this purpose “land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for them, their spouse, civil partner or person with whom they are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.</i></p>
Licences	<p>Any licence (alone or jointly with others) to occupy land in the Council’s area for a month or longer.</p>
Corporate tenancies	<p>Any tenancy where (to their knowledge):</p> <ul style="list-style-type: none"><li>(a) the landlord is the Council; and</li><li>(b) the tenant is a body in which they, their spouse or civil partner or a person they are living with as a spouse or civil partner 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 your knowledge) has a place of business or land in the Council’s area; and</li><li>(b) either:<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 they, their spouse or civil partner or person with whom they are living as a spouse or civil</li></ul></li></ul>



partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*For this purpose, "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.*

## **7. Disclosable Pecuniary Interests in matters considered at meetings**

- 7.1 Subject to sub-paragraph 7.2 and 7.3, where a councillor is:
- (a) present at a meeting of the Council; and
  - (b) has a disclosable pecuniary interest in any matter to be considered, or being considered at the meeting; and
  - (c) they are aware that they have such an interest, they must:
    - disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent, whether or not such interest is registered in the Council's register of interests of members and co-opted members or for which they have made a pending notification; and
    - not participate or participate further, in any discussion of the matter at the meeting; or participate in any vote, or further vote, taken on the matter at the meeting; and
    - in accordance with the Council's Standing Orders, withdraw from the room or chamber where a meeting considering the business is being held:
      - aa) in the case where sub-paragraph 7.3 applies, immediately after making representations, answering questions or giving evidence;
      - bb) in any other case, wherever it becomes apparent that the business is being considered at that meeting;
- unless they have obtained a dispensation from the Council's Standards Committee or Monitoring Officer.
- 7.2 Where a councillor has a disclosable pecuniary interest which by virtue of paragraph 19 is considered to be a sensitive interest, they must indicate to the meeting that they have a disclosable pecuniary interest in the matter concerned, but need not disclose the details of the interest to the meeting.

7.3 Where a councillor has a disclosable pecuniary interest in any business of the Council, they may attend a meeting (including a meeting of the overview and scrutiny committee of the Council or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

7.4 Where the interest is not entered in the Council's register of interests of members and co-opted members and is not the subject of a pending notification, a councillor must notify the Council's Monitoring Officer of the interest in writing before the end of 28 days beginning with the date of the meeting.

## **8. Disclosable Pecuniary Interests in matters considered by a single member**

8.1 Where:

- a function of the Council may be discharged by a councillor acting alone;
- a councillor has a disclosable pecuniary interest in any matter to be to be dealt with, or being dealt with, by them in the course of discharging that function; and
- a councillor is aware that they have such an interest,

they 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 member).

8.2 Where the interest is not entered in the Council's register of interests of members and co-opted members and is not the subject of a pending notification, a councillor must notify the Council's Monitoring Officer of the interest in writing before the end of 28 days beginning with the date when they became aware that the condition in sub-paragraph 8.1 is met in relation to the matter.

## **9. Criminal offences relating to Disclosable Pecuniary Interests**

9.1 A councillor will commit an offence if, without reasonable excuse, they –

- (a) Fail to notify the Council's Monitoring Officer within 28 days of your election of any disclosable pecuniary interests which they have at the time when the notification is given.

- (b) Fail to disclose a disclosable pecuniary interest in any matter to be considered, or being considered, to the meeting where that interest is not entered in the Council's register of interests of members and co-opted members.
- (c) Fail to notify the Council's Monitoring Officer of any disclosable pecuniary interest that they have disclosed to a meeting, where that interest is not already entered in the Council's register of interests of members and co-opted members or subject to a pending notification, before the end of 28 days beginning with the date of the meeting.
- (d) Are an executive member and they fail to notify the Council's Monitoring Officer of any disclosable pecuniary interest that they have in any matter to be to be dealt with, or being dealt with, by them in the course of discharging that executive function, where that interest is not entered in the Council's register of interests of members and co-opted members or subject to a pending notification, before the end of 28 days beginning with the date that they became aware of such an interest.
- (e) participate, or participate further, in any discussion of a matter in which they have a disclosable pecuniary interest, or participate in any vote, or further vote, taken on any such matter.
- (f) Are an executive member and they take any steps, or any further steps, in relation to any matter to be to be dealt with, or being dealt with, by them in the course of discharging that executive function in which they have a disclosable pecuniary interest (except for the purpose of enabling the matter to be dealt with otherwise than by them).
- (g) Provide information that is false or misleading when notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting and they:
  - i. know that the information is false or misleading, or
  - ii. are reckless as to whether the information is true and not misleading.

## **Interests Other Than Disclosable Pecuniary Interests**

### **10. Non-pecuniary Interests**

- 10.1 A councillor has a non-pecuniary interest in any business of the Council where either:
- (a) It relates to or is likely to affect:
    - (i) any body of which they are a member or in a position of general control or management and to which they are appointed or nominated by the Council;

- (ii) (a) any body exercising functions of a public nature;
- (b) directed to charitable purposes; or,
- (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which they are a member or in a position of general control or management;
- (iii) any employment, office, trade, profession or vocation carried on by them not for profit or gain;
- (iv) any easement, servitude, interest or right in or over land which does not carry with it a right for them (alone or jointly with another) to occupy the land or to receive income;
- (v) the interests of any person from whom they have received a gift or hospitality with an estimated value of at least £50;

or,

- (b) A decision in relation to that business might reasonably be regarded as affecting their well-being or financial position or the well-being or financial position of:
  - (i) a member of their family or any person with whom they have a close association;
  - (ii) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
  - (iii) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
  - (iv) any body of a type described in sub-paragraph (1)(a)(i) or to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

## **11. Disclosure of Non-pecuniary Interests**

11.1 Subject to sub-paragraph 11.2 to 11.6, where a councillor has a non-pecuniary interest in any business of the Council and they attend a meeting of the Council at which the business is considered, they must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

- 11.2 Where a councillor has a non-pecuniary interest in any business of the Council which relates to or is likely to affect a person described in paragraph 10.1(a)(i) or 10.2(a)(ii)(a), they need only disclose to the meeting the existence and nature of that interest when they address the meeting on that business.
- 11.3 Sub-paragraph 11.1 only applies where a councillor is aware or ought reasonably to be aware of the existence of the non-pecuniary interest.
- 11.4 Where a councillor has a non-pecuniary interest but, by virtue of paragraph 14 it is considered to be a sensitive interest, they must indicate to the meeting that they have a non-pecuniary interest in the matter concerned, but need not disclose the details of the interest to the meeting.
- 11.5 Where a councillor has a non-pecuniary interest in any business of the Council and they have made an executive decision in relation to that business, they must ensure that any written statement of that decision records the existence and nature of that interest.
- 11.6 In this paragraph “executive decision” is to be construed in accordance with any regulations made by the Secretary of State under Section 22 of the Local Government Act 2000.
- 11.7 Subject to paragraphs 11.8 and 11.9 below, if a councillor has a non-pecuniary interest in any business of the Council they may participate, vote and remain in the room or chamber where a meeting considering the business is being held unless their 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 your judgement of the public interest.
- 11.8 If a councillor has a non-pecuniary interest in any business of the Council they may participate, vote and remain in the room or chamber where a meeting considering the business is being held where that business relates to the functions of the Council in respect of:
- (i) housing, where they are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
  - (ii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where they are in receipt of, or are entitled to the receipt of, such pay;
  - (iii) an allowance, payment or indemnity given to members;
  - (iv) any ceremonial honour given to members; and
  - (v) setting council tax or a precept under the Local Government Finance Act 1992.

- 11.9 Where a councillor has a non-pecuniary interest in any business of the Council in the circumstances set out in paragraph 11.7 above, they may remain in the room or chamber where a meeting considering the business is being held for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

## **12. Gifts and Hospitality**

- 12.1 A councillor must, within 28 days of receipt, notify the Council's Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50.00 which they have accepted as a member from any person or body other than the authority.
- 12.2 Any gifts or hospitality notified to the Monitoring Officer will be included in the register of interests of gifts and hospitality.
- 12.3 The duty to notify the Monitoring officer does not apply where the gift or hospitality comes within any description approved by the Council for this purpose.

## **PART 3**

### **13. Register of interests of members and co-opted members**

- 13.1 Subject to paragraph 14, a councillor must, within 28 days of:
- (a) this Code being adopted by the Council, or
  - (b) their election or appointment to office (where that is later),
- register in the Council's register of interests of members and co-opted members (maintained under Section 29(1) of the Localism Act 2011) details of all disclosable pecuniary interests and non-pecuniary interests they have at the time the notification is given by providing written notification to the Council's Monitoring Officer.
- 13.2 Where a councillor becomes a member or co-opted member of the Council as a result of re-election or re-appointment, sub-paragraph 13.1 applies only as regards interests not entered in the Council's register of interests of members and co-opted members when the notification is given.
- 13.3 A councillor must, within 28 days of becoming aware of any new interests or change to any interests registered under paragraph 13.1, register details of that new interests or change by providing written notification to the Council's Monitoring Officer.
- 13.4 A councillor is obliged to register details of disclosable pecuniary interests in accordance with paragraphs 7.4 and 8.2.
- 13.5 Any interests notified to the Monitoring Officer will be included in the register of interests of members and co-opted members.

- 13.6 A copy of the register will be available for public inspection and will be published on the Council's website.

#### **14. Sensitive Interests**

- 14.1 This paragraph applies where a councillor has an interest (whether or not a disclosable pecuniary interest) and the nature of the interest is such that they and the Council's Monitoring Officer, consider that disclosure of the details of the interest could lead to them or a person connected with them being subject to violence or intimidation ("sensitive interest").
- 14.2 If the sensitive interest is entered in the Council's register of interests of members and co-opted members, 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 they have an interest the details of which are withheld under Section 32(2) of the Localism Act 2011).
- 14.3 A councillor must, within 28 days of becoming aware of any change of circumstances which means that an interest excluded under paragraph 14.2 is no longer a sensitive interest, notify the Council's Monitoring Officer asking that the interest be included in copies of the register that are made available for inspection, and any published version of the register.

## APPENDIX 1

### Definitions and examples of behaviour which amount to bullying or harassment

**Bullying may be characterised as behaviour, or an abuse or misuse of power in a way that undermines, humiliates, unfairly criticises or injures someone.**

A non-exhaustive list of behaviour which amounts to bullying includes:

- spreading malicious rumours, or insulting someone by word or behaviour
- copying correspondence that is critical about someone to others who do not need to know
- ridiculing or demeaning someone - picking on them or setting them up to fail
- exclusion - deliberately excluding someone from meetings or written correspondence in matters for which they have a responsibility or professional interest or deliberately excluding someone from events or celebrations that it would ordinarily be expected that they might legitimately attend
- victimisation - taking action detrimental to someone as a result of them raising a complaint or issue of concern in good faith through formal and correct procedure whether or not the complaint was upheld or proven
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances-touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- making threats or comments about job security without foundation
- publicly criticising the work or efficiency of someone where the issue has not been formally raised with that person through proper process and the right of explanation or appeal has not been made available
- deliberately undermining a competent worker by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities



**Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.**

A non-exhaustive list of behaviour which amounts to harassment includes:

- frequent unwanted contact, including texts, letters, phone calls, emails and communication via social media or any other electronic communication
- sending unwanted gifts
- driving past an individual's home or visiting them at work without legitimate purpose or following or watching an individual
- sharing humiliating information, lies or gossip about an individual
- making inappropriate comments, critical remarks or offensive jokes
- threatening behaviour
- excessive demands that are impossible to deliver
- making sexual comments or jokes or inappropriate sexual gestures
- making jokes or degrading or patronising comments or teasing an individual about their race, religion, age, gender, sexual orientation or disability. This would also amount to an offence under the Equality Act.