



Councillors Code of Conduct

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Preamble

This Preamble provides an explanatory introduction to the Councillors' Code of Conduct. It does not form part of the Code of Conduct and, in the event of any conflict between the Preamble and the Code, the Code shall take precedence.

Introduction

Froyle Parish Council has adopted this 'Councillors Code of Conduct' in support of its duty to promote and maintain high standards of conduct by all members of the Council whether elected or co-opted¹

This code applies to all Councillors when you act in that role and it is your responsibility to comply with the provisions of this code, as required by section 27 of the Localism Act 2011 ("the Act").

The Council has a statutory duty under the Act to promote and maintain high standards of conduct by Councillors, and the Code sets out the standards that the Council expects Councillors to observe.

The Code is not intended to be an exhaustive list of all the obligations that are placed on Councillors. If in doubt, Councillors should seek advice from the Parish Clerk in the first instance but the final decision and responsibility on how to act rests with Councillors themselves.

Councillors should not do anything in their capacity, which they could not justify to the public or could not justify by law. Councillors' conduct and what the public believe about their conduct will affect the reputation and credibility of Councillors and the Council as a whole.

Failure to comply with the code may result in a sanction being applied by the Council.

Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and an unlimited fine and/or disqualification from office for a period of up to 5 years.

Expectations and Values

- It is the responsibility of individual Councillors to understand and comply with the provisions of the Code of Conduct and Standing Orders as well as such other legal obligations as may apply to them from time to time.
- Councillors have a responsibility to ensure that they comply with the Code of Conduct in all respects.
- Councillors are community leaders who will hold their peers to account and challenge any conduct which is unbecoming to the role and position of Councillor.
- Councillors will treat each other and officers civilly and with respect and will challenge any breach of this requirement.
- Councillors will regularly review their personal circumstances and intended actions in the context of the Code.

- It is not enough to avoid impropriety; perception is also important. Councillors should avoid any occasion for suspicion and any appearance of improper conduct.

The Code of Conduct includes and is intended to be consistent with the following seven principles, introduced by the Committee on Standards in Public Life, as required by the Localism Act 2011.

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. 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 declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions to the public and must submit themselves to the scrutiny necessary to ensure this.

5. 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.

6. Honesty

Holders of public office should be truthful.

7. 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.

General Obligations

- You must ensure that you are aware of and comply with all legal obligations that apply to you as a member or co-opted member of the Council and act within the law.
- You must treat others civilly and with respect.
- You must not:
 - (a) do anything which may cause the Council to breach the Equality Act 2010 (or subsequent legislation)
 - (b) bully² any person;
 - (c) intimidate or attempt to intimidate any person,
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

- You must comply with any reasonable request made in any investigation of a complaint.
- You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where :
 - (a) you have the consent of a person authorised to give it;
 - (b) you are required by law to do so;
 - (c) the disclosure is made to a third party for the purpose of obtaining professional advice (such as legal advice) provided that the third party agrees not to disclose the information to any other person; or permitted by law

Prevent another person from gaining access to information to which that person is entitled by law.

- You must not conduct yourself in a manner which a reasonable member of the public would regard as bringing the Council or the office of Councillor into disrepute.
- You must represent the needs of residents, the whole community and your constituents, including those who did not vote for you, and deal with representations or inquiries from residents and visitors, fairly, appropriately and impartially
- Use of position:
 - (a) you must not use or attempt to use your position as a Councillor improperly to confer on or secure for yourself or any other person, an advantage or disadvantage³¹;
 - (b) you must, when using or authorising the use by others of the resources of the Council:
 - (i) act in accordance with the Council's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- When reaching decisions on any matter you must have regard to any relevant advice provided to you by the Council's Officers where that Officer is acting pursuant to their statutory duties.
- You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

Registering And Declaring Interests

This part explains the statutory requirements of the Localism Act 2011 (Sections 29-34) in relation to disclosable pecuniary interests⁴. These are enforced by criminal sanction.

- **Notification** - within 28 days of becoming a Councillor or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests' or other interests within the following categories, for inclusion in the register of interests, in any matter being considered and where the matter is not a 'sensitive interest'⁵:
 - (a) Details of any body of which you are a member or in a position of general control or management;

- (b) Details of any body exercising functions of a public nature, any body directed to charitable purposes or any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
 - (c) Details of any gift or hospitality with an estimated value of at least £50 or from a single source where the total exceeds £100, that you have received in connection with your role as a Councillor, and details of the donor, the reason for acceptance and disposal of the benefit.
- You must, within 28 days of becoming aware of any new interest or change to any interest registered under this paragraph notify the Monitoring Officer of the details of that new interest or change.

You must also notify the Council's Monitoring Officer within 28 days of any new disclosable interest, or any change to a disclosable interest already notified/registered.

- **Register of interests** - any interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the Council's website.
- **Non-participation in case of disclosable pecuniary interest** - unless dispensation has been granted, if you are present at a meeting of the Council as a Councillor and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting:
 - (a) You may not participate in any discussion of the matter at the meeting;
 - (b) You may not participate in any vote taken on the matter at the meeting; and
 - (c) If the interest is not registered, you must disclose the interest to the meeting.
- **Dispensations** - the Monitoring Officer may authorise the granting of dispensations pursuant to section 33 of the Localism Act 2011.
- **Offences** - It is a criminal offence if you:
 - (a) Fail to notify the Monitoring Officer within twenty-eight days of election of any disclosable interest
 - (b) Fail to disclose a disclosable interest at a meeting if it is not on the register.
 - (c) Fail to notify the Monitoring Officer within twenty-eight days of a disclosable interest that is not on the register that you have disclosed to a meeting
 - (d) Participate in any discussion or vote on a matter in which you have a disclosable interest
 - (f) Knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting

End notes

- ¹ A **“co-opted member”** for the purposes of this code is, as defined in the Localism Act 2011 Section 27 (4) “ a person who is not a member of the Council but who:
 - a) is a member of any committee or sub-committee of the council; or
 - b) is a member of, and represents the Council on, any joint committee or joint sub-committee of the Council; and
 - c) is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.
- ² **“Bullying”** is defined by the definition as adopted by ACAS and updated from time to time and includes any offensive, intimidating, malicious or insulting behaviour, abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.
- ³ The **‘advantage or disadvantage’** may be any benefit and need not be materially significant or financial.
- ⁴ A **“disclosable pecuniary interest”** is an interest of yourself or your partner of the following descriptions:
 - (a) Details of any employment, office, trade, profession or vocation carried on for profit or gain
 - (b) Details of 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 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.
 - (c) Details of 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 under which goods or services are to be provided or works are to be executed; and which has not been fully discharged.
 - (d) Details of any beneficial interest in land which is within the area of the relevant authority.
 - (e) Details of any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
 - (f) Details of any tenancy where (to your knowledge) the landlord is the relevant authority; and the tenant is a body in which the relevant person has a beneficial interest.
 - (g) Details of any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of the relevant authority.
- ⁵ A **“sensitive interest”** is described in the Localism Act 2011 as a member or co-opted member of a Council having an interest, and the nature of the interest being such that the member or co-opted member, and the council’s monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.