

Biddulph Town Council



CODE OF CONDUCT FOR MEMBERS 2020

WRITTEN BY:

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REVIEWED:

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INTRODUCTION

Biddulph Town Council is committed to achieving good local governance. This means that the Town Council wants to ensure that they are doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner.

This Code of Conduct applies to Councillors whenever they are acting as a member of Biddulph Town Council, including:

- at formal meetings of the Council, its Committees and Sub-Committees
- when acting as a representative of the authority
- in discharging the function of Ward Councillor
- at briefing meetings with officers
- at site visits
- when corresponding with the authority other than in a private capacity.

GENERAL CONDUCT

Councillors must:

- provide leadership to the authority and communities within its area, by personal example
- respect others and not bully any person (including any unwanted behaviour that makes someone feel intimidated, degraded, humiliated or offended, further information is included within the adopted Harassment and Bullying Policy)
- recognise that officers (other than political assistants) are employed by and serve the whole authority

- respect the confidentiality of information which you receive as a member
 - not disclosing confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so; and
 - not obstructing third parties' legal rights of access to information
- not misconduct yourself in a manner which is likely to bring the authority into disrepute
- use your position as a member in the public interest and not for personal advantage
- accord with the authority's reasonable rules on the use of public resources for private and political purposes
- exercise your own independent judgement, taking decisions for good and substantial reasons –
 - attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups
 - paying due regard to the advice of officers
 - stating the reasons for your decisions where those reasons are not otherwise apparent
- account for your actions, particularly by supporting the authority's scrutiny function
- ensure that the authority acts within the law
- Co-operate fully with any investigation carried out in accordance with the Council's Arrangements for dealing with Standards Complaints under the Localism Act 2011, and by not making any trivial or malicious allegations under those Arrangements.

As a Member or Co-opted Member of the Council you have a responsibility to represent the community and work constructively with officers of the Council and partner organisations to secure better social, economic and environmental outcomes for all. In accordance with the Localism Act provisions, when acting in this capacity you are committed to behave in a manner that is consistent with the following seven principles of public life on which this Code is based.

The seven principles of public life are:

Selflessness

Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Integrity

Members should not place themselves in situations where integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour. Members should show integrity by consistently treating other people with respect, regardless of their race, age, religion, gender, sexual orientation, disability or position, for example as an officer or employee of the Council.

Objectivity

Members should make decisions in accordance with the law and on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Honesty

Members should not place themselves in situations where their honesty may be questioned, should not behave dishonestly and should on all occasions avoid the appearance of such behaviour. Members should declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

Disclosable Pecuniary Interests

Councillors must:

- comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest
- ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests
- make verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent, and leave the room where the meeting is held while any discussion or voting takes place.
- “Meeting” means any meeting organised by or on behalf of the authority, including –
 - any meeting of the Council, or a Committee or Sub-Committee of Council
 - in taking a decision as a Ward Councillor
 - at any briefing by officers; and
 - at any site visit to do with business of the authority

Other Interests

In addition to the requirements above, if you attend a meeting at which any item of business is to be considered, and you are aware that you have an interest in that item which may or may not be entered in your register of interests, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.

You have an interest in an item of business of your authority where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or
- it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code, but in respect of a member of your family (other than a "relevant person") or a person with whom you have a close association, or
- it relates to an interest (other than a Disclosable Pecuniary Interest) entered in your register of interests,
- and that interest is not a disclosable pecuniary interest.

Where you have an interest above then you must consider whether the nature of that interest is so significant that you should withdraw from participating in respect of the matter relating to that interest.

Gifts and Hospitality

You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which you have accepted as a member from any person or body other than the authority.

The Monitoring Officer will place your notification on a public register of gifts and hospitality.

Breaches of the Code

Any allegation received by the Council that a Member has failed to comply with the Code will be dealt with by the Council as set out below. If it is found that a Member has failed to comply with the Code, the Council has the right to have regard to this failure in deciding whether to take action and what action to take.

Breaches of the Code by Members are normally reported directly to the Monitoring Officer. The Monitoring Officer is a senior officer of Staffordshire Moorlands District Council (the Principal Authority) who has statutory responsibility for maintaining the Register of Members' Interests (for both District and Town/Parish Members) and who is responsible for administering

the system in respect of complaints of Member misconduct. As the Principal Authority Staffordshire Moorlands District Council has adopted procedures for dealing with such complaints.

Should a breach of the Code by a Member be reported to a Member of the Town Council, this should be referred to the Chief Officer who will then inform the Monitoring Officer as soon as practicable and determine with them the appropriate course of action, which would normally be dealing with the allegation through the Principal Authority's Procedures.

Appendix- Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<i>Interest</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	<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>

	(b) which has not been fully discharged.
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	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; 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) 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.

For this purpose –

“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 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.

A review of Ethical Standards

The Committee on Standards in Public Life published its report on local government ethical standards in January 2019.

The report considers the current framework governing the behaviour of local government Councillors and executives in England and makes a number of recommendations to promote and maintain the standards expected by the public.

The report makes a number of ‘Best Practice’ recommendations. These recommendations are included below, with an explanation as to how Biddulph Town Council is implementing, or expects to implement, these recommendations:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

~ Included above.

In addition, Biddulph Town Council has an adopted Harassment and Bullying Policy. This Policy is relevant to anyone involved with Biddulph Town Council. The Policy is reviewed regularly.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.

~Included above.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

~ Responsibility of Staffordshire Moorlands District Council. Biddulph Town Council does review this document annually.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

~ This document is included on the www.biddulph.co.uk website

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

~ Both the Code of Conduct for Members and the Employee Code of Conduct contain information about gifts and hospitality. When gifts are registered, this information will be published.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

~ Advice to be sought from Staffordshire Moorlands District Council.

Best practice 7: Local authorities should have access to at least two Independent Persons.

~ At present, this role is undertaken by Staffordshire Moorlands District Council.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

~ As above; the role of the Independent Person is undertaken by Staffordshire Moorlands District Council.