# Stretton on Dunsmore Parish Council Code of Conduct

## 1. General Provisions

1.1 This part of the constitution is addressed to all members of the council and co-opted members of any committee, sub-committee of the council.

1.2 The Council has adopted a code of conduct as required by Section 27 of the Localism Act 2011. The code is appended. The council has a statutory duty to promote and maintain high standards of conduct by members and co-opted members, and the code sets out the standards that the council expects you to observe.

1.3 You must sign the code before you begin your duties as a member or co- opted member.

1.4 The code is not an exhaustive list of the obligations placed on members and you are responsible for ensuring that that you act lawfully.

1.5 In this part of the constitution "your partner" means your spouse or civil partner or someone you are living with as husband or wife or as civil partner.

## 2. Disclosure of Pecuniary Interests

2.1 The pecuniary interests to which this section refers are listed in Section 3.

2.2 Within 28 days of the day of your election or appointment to the Council, you must sign and complete a declaration form of your pecuniary interests, which include those of your partner of which you are aware.

2.3 When attending meetings of the Council or committees and a matter arises in which you have a disclosable pecuniary interest, unless you have been granted a dispensation, you must:

(i) declare the interest if you have not already registered it
(ii) not participate in any discussion or vote
(iii) leave the meeting room until the matter has been dealt with
(iv) give written notice of any unregistered interest to the Monitoring Officer within 28 days of election

## 3. Disclosable Pecuniary Interests

| Subject | Prescribed Description |
|---|---|
| Employment, office, trade, profession or vocation. | Any employment, office, trade, profession or vocation carried on for profit or gain by you or your partner. |

| | |
|---|---|
| Sponsorship | Any payment or provision of any other financial benefit made or provided within 12 months of your declaration of interests in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. |
| Contracts | Any contract which is made between you or your partner (or a firm or body corporate in which you or your partner is a partner or a director, or in the securities of which you or your partner has a beneficial interest) |
| Land | Any beneficial interest in land which is within the area of Stretton on Dunsmore Parish Council and which gives you or your partner a right to occupy the land or receive income. |
| Licences | Any licence held by you or your partner (alone or jointly with others) to occupy land in the area of Stretton on Dunsmore Parish Council for a month or longer. |
| Corporate Tenancies | Any tenancy where (to your knowledge)—<br>(a) the landlord is Stretton on Dunsmore Parish Council; **and**<br>(b) the tenant is a body in which you or your partner has a beneficial interest, i.e. a firm or body corporate in which you or your partner is a partner or a director, or in the securities of which you or your partner has a beneficial interest. |
| Securities | Any beneficial interest held by you or your partner in securities of a body where—<br>(a) that body (to your knowledge) has a place of business or land in the area of Stretton on Dunsmore Parish Council; **and**<br>(b) either—<br>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; **or**<br>(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 you or your partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.<br><br>“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. |

## 4. Dispensations

You may make an application for a dispensation allowing you to speak and/or vote in relation to a matter in which you have a disclosable pecuniary interest by writing to the Parish Clerk and requesting item be put on the next agenda. You should set out your disclosable pecuniary interest and the reasons why you believe you should be allowed to speak and/or vote in relation to the matter.

## Appendix

# Member Code of Conduct
# Stretton on Dunsmore Parish Council

I, ----------

## being a duly elected Councillor/Co-opted Member for Stretton on Dunsmore Parish Council hereby declare that I will undertake my duties as follows:

**Definitions**
For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

a) is a member of any committee or sub-committee of the authority, or;
b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

For the purposes of this Code of Conduct, "local authority" includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

**Purpose of the Code of Conduct**
The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

**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 (set out in the Appendix to this Code of Conduct).

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.
• I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:
• I impartially exercise my responsibilities in the interests of the local community.
• 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.
• I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

**Application of the Code of Conduct**
This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:
• You misuse your position as a councillor.
• Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you 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

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

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

**Standards of Councillor Conduct**
This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

**General Conduct**
**1. Respect**

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

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.
In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-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 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 (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You 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, you must not try and 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. You 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.**

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority 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.

## 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.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your 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 local authority 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 except where the use could reasonably be regarded as discharging the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your 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 you to help you carry out your 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 you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

**Protecting your Reputation and the Reputation of the Local Authority**

## 9. Interests

**As a Councillor:**

**9.1 I register and disclose those interests that I am required by law to declare. I will complete and submit a signed declaration of my interests to the Monitoring Officer. I will keep the register updated and acknowledge that its contents are open to the public to inspect.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your 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 you by allowing you to demonstrate openness and a willingness to be held accountable.

You should note that failure to register or disclose a disclosable pecuniary interest is a criminal offence under the Localism Act 2011.
Sections 2, 3 and 4 of Part 4A of Rugby Borough Council's Constitution set out more information on registering and disclosing your interests.

## 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 your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Councillor. The presumption should always be not to 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 you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a Councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Councillor. If you are unsure, do contact your Monitoring Officer for guidance.

I will comply with any code of conduct for members that is properly established by the Council.

**Signed: ----------**

**Full name: ----------**

**Date: ----------**

**Appendix – The Seven Principles of Public Life**

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.