

Carthorpe Parish Council – Councillor Code of Conduct

1 Introduction

All councils are required to have a local Councillor Code of Conduct.

2 Definitions

For the purposes of this Code of Conduct, a “councillor” means a member who is entitled to vote on any question that falls to be decided at any Parish Council (PC) meeting.

3 Purpose of the Code of Conduct

The purpose of this 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 that could lead to action being taken against them. It is also to protect councillors, the public, fellow councillors, PC officers and the reputation of the PC. It sets out general principles of conduct expected of all councillors and their specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and PC.

4 General Principles of Councillor Conduct

Everyone in public office at all levels should uphold the Seven Principles of Public Life, also known as the Nolan Principles (see Appendix A).

In accordance with the public trust placed in them, on all occasions a councillor should:

- act with integrity and honesty
- act lawfully
- treat all persons fairly and with respect
- lead by example and act in a way that secures public confidence

In undertaking the role:

- impartially exercise responsibilities in the interests of the local community
- do not improperly seek to confer an advantage, or disadvantage, on any person
- avoid conflicts of interest
- exercise reasonable care and diligence
- ensure that public resources are used prudently in accordance with PC requirements and in the public interest.

5 Application of the Code of Conduct

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

This Code of Conduct applies when individuals are acting in their capacity as a councillor including 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

6 Standards of Councillor Conduct

The minimum standards of conduct required of a councillor are set out below. Should conduct fall short, a complaint may be made against the councillor, which may result in action being taken.

General Conduct

6.1 Respect

6.1.1 treat other councillors and members of the public with respect.

6.1.2 treat PC employees, employees and representatives of partner organisations and those volunteering for the PC with respect and respect the role they play.

As a councillor:

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. 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 PC, the relevant social media provider or the police. This also applies to fellow councillors and PC employees, where action could then be taken under the Councillor Code of Conduct.

6.2 Bullying, harassment and discrimination

6.2.1 do not bully any person

6.2.2 do not harass any person

6.2.3 promote equalities and do not discriminate unlawfully against any person

As a councillor:

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 the PC. 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.

6.3. Impartiality of Officers of the PC

6.3.1 do not compromise or attempt to compromise the impartiality of anyone who works for, or on behalf of the PC.

As a councillor:

Officers 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.

6.4. Confidentiality and Access to Information

6.4.1 do not disclose information:

- i. a councillor must receive the consent of a person authorised to give it;
- ii. they are 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 PC; and
 3. the Monitoring Officer has been consulted prior to release.

6.4.2 do not improperly use knowledge gained solely as a result of the role as a councillor for the advancement of themselves, their friends, their family members, their employer or their business interests.

6.4.3 do not prevent anyone from getting information that they are entitled to by law.

As a councillor:

The PC must work openly and transparently, and the proceedings and printed materials should be open to the public, except in certain legally defined circumstances. There will be times when it is required by law that discussions, documents and other information relating to or held by the PC must be treated in a confidential manner eg personal data relating to individuals or information relating to ongoing negotiations.

6.5. Disrepute

6.5.1 do not bring the role or PC into disrepute.

As a councillor:

Councillors are trusted to make decisions on behalf of the community and their actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. Councillors should be aware that their actions might have an adverse impact on themselves, other councillors and/or the PC and may lower the public's confidence in them or the PC's ability to discharge their/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring the PC into disrepute. Councillors are able to hold the PC and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the PC whilst continuing to adhere to other aspects of this Code of Conduct.

6.6. Use of position

6.6.1 do not use, or attempt to use, the position improperly to the advantage or disadvantage of themselves or anyone else.

As a councillor:

Your position as a member of the PC 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.

6.7. Use of PC resources and facilities

6.7.1 do not misuse council resources.

As a councillor:

a. act in accordance with the PC 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 PC or of the office to which they have been elected or appointed.

6.8. Complying with the Code of Conduct

6.8.1 Read the Code of Conduct provided by the PC.

6.8.2 cooperate with any Code of Conduct investigation and/or determination.

6.8.3 do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

6.8.4 comply with any sanction imposed on them following a finding that they have breached the Code of Conduct.

6.8.5 Protect your reputation and the reputation of the PC.

6.9. Interests

6.9.1 register and disclose their interests.

As a councillor:

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the PC (see Appendix B).

6.10. Gifts and Hospitality

6.10.1 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 their part to show favour from persons seeking to acquire, develop or do business with the PC or from persons who may apply to the PC for any permission, licence or other significant advantage.

6.10.2 register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

6.10.3 register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

Adopted date: 8 February 2021

Policy to be reviewed: February 2022

Appendices

Appendix A - 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.

Appendix B - 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 at Hambleton District Council the interests which fall within the categories set out in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”.