



BRAUNSTONE TOWN COUNCIL

COUNCILLOR CODE OF CONDUCT

13th MAY 2021

DATE ADOPTED	13th May 2021	REVIEW DATE	May 2022
REVISED DATE/S			

BRAUNSTONE TOWN COUNCIL
COUNCILLOR CODE OF CONDUCT

13th MAY 2021

INTRODUCTION

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that councillors can be held accountable and that all adopt the behaviours and responsibilities associated with the role. The conduct of an individual councillor affects the reputation of all councillors. Braunstone Town Council wants the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

Town Councillors represent local residents, work to develop better services and deliver local change. The public have high expectations of the Town Council and its Councillors and entrust them to represent the Town; taking decisions fairly, openly, and transparently.

Town Councillors have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, Town Councillors should be able to undertake their role without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect the democratic role of Town Councillors, encourage good conduct and safeguard the public's trust in Braunstone Town Council.

DEFINITIONS

For the purposes of this Code of Conduct, a "Councillor" or "Town Councillor" means an elected member (whether elected through a poll or elected uncontested) or co-opted member of Braunstone Town Council.

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 further action being taken. It is also to protect councillors, the public, officers and the reputation of the Town Council. It sets out general principles of conduct expected of all councillors and specific obligations in relation to standards of conduct. Braunstone Town Council 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 Town Councillor and Braunstone Town Council.

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.

The principles are:

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 disclose 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 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.

Building on these principles, the following general principles have been developed specifically for the role of Town Councillor, who in accordance with the public trust placed in Councillors, on all occasions should:

- act with integrity and honesty
- act lawfully
- treat all persons fairly and with respect; and
- lead by example and act in a way that secures public confidence in the role of councillor.

Town Councillors in undertaking their role should:

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

APPLICATION OF THE CODE OF CONDUCT

This Code of Conduct applies to Town Councillors upon signing of the Declaration of Acceptance of the Office of Town Councillor or by attendance at the first meeting and continues to apply until an individual ceases to be a Town Councillor.

This Code of Conduct applies when acting in the capacity of Town Councillor, which may include when:

- misusing the position as a councillor
- actions would give the impression to a reasonable member of the public with knowledge of all the facts that an individual was 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.

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

The District Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and Town Councillors are encouraged to seek advice from the Executive Officer & Town Clerk, who may refer matters to the Monitoring Officer for further advice and guidance.

Complaints about a Councillor's Conduct or behaviour in relation to this code should be made to the Blaby District Monitoring Officer. Both the Executive Officer & Town Clerk and the District Monitoring Officer may also be able to assist you in understanding what issues are covered by the Code of Conduct or where matters may be dealt with more informally.

STANDARDS OF COUNCILLOR CONDUCT

This section sets out obligations, which are the minimum standards of conduct required of Town Councillors. Should a councillor's conduct fall short of these standards, a complaint may be made, 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

A councillor should:

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

1.2 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. Councillors can and should challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. Councillors should not, however, subject individuals, groups of people or organisations to personal attack.

Councillors in their contact with the public should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, Councillors have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening, Town Councillors are entitled to stop any conversation or interaction in person or online and report them to the Town Council, 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 employees, where concerns should be raised with the Executive Officer & Town Clerk, unless it relates to the actions or behaviour of the Executive Officer & Town Clerk, in which case they should be raised with the Leader of the Council.

2. Bullying, harassment and discrimination

A councillor should:

2.1 not bully any person.

2.2 not harass any person.

2.3 promote equalities and 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

A councillor should:

3.1 not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the Town Council as a whole and must be politically neutral. They should not be coerced or persuaded to act in a way that would undermine their neutrality. Councillors 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, Councillors 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

Councillors should:

4.1 not disclose information:

- a. given to them in confidence by anyone**
- b. acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. they have received the consent of a person authorised to give it;**
 - ii. 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 Town Council; and**
 - 3. have consulted the Executive Officer & Town Clerk prior to its release.**

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

4.3 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. Councillors 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 Braunstone Town Council must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

A councillor:

5.1 must not bring their role or local authority into disrepute.

Councillors are trusted to make decisions on behalf of their 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 them, other councillors and/or Braunstone Town Council and may lower the public's confidence in them or the Town Council's ability to discharge functions. For example, behaviour that is considered dishonest and/or deceitful can bring the Town Council as a whole into disrepute.

Town Councillors are and should hold the Town Council, its office holders and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Town Council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

A councillor:

6.1 must not use, or attempt to use, their position improperly to the advantage or disadvantage of themselves or anyone else.

Town Councillors hold the position of Member of the Braunstone Town Council, which provides certain opportunities, responsibilities, and privileges, and Town Councillors will make choices all the time that will impact others. However, a Councillor should not take advantage of these opportunities to further their own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

A councillor must:

7.1 not misuse council resources.

7.2 when using the resources of the local 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 unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which they have been elected or appointed.**

Councillors may be provided with resources and facilities by Braunstone Town Council to assist in carrying out the duties of a Town Councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use to Town Council buildings and rooms.

These are given to help a Town Councillor, and more often an Office Holder, carry out the role 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 Town Council's own policies regarding their use.

8. Complying with the Code of Conduct

All Councillors should:

8.1 undertake Code of Conduct training provided by the local authority.

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

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

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

It is extremely important for all Town Councillors to demonstrate high standards, for them to open their actions to scrutiny and for them not to undermine public trust in the Town Council or its governance. If a Councillor does not understand or are concerned about the Town Council's processes in handling a complaint, he or she should raise this with the Executive Officer & Town Clerk or the District Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

Every Councillor must:

9.1 register and disclose their interests.

Section 29 of the Localism Act 2011 requires the District Monitoring Officer to establish and maintain a register of interests of members of Braunstone Town Council.

Town Councillors need to register their interests so that the public, employees and fellow councillors know which of their 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 councillors by allowing them to demonstrate openness and a willingness to be held

accountable. An individual Councillor is personally responsible for deciding whether or not he or she should disclose an interest in a meeting, but it can be helpful to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by a councillor when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

All Councillors should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix A sets out the detailed provisions on registering and disclosing interests. If in doubt, advice can be sought from the Executive Officer & Town Clerk and the District Monitoring Officer.

10. Gifts and hospitality

A councillor must:

- 10.1 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 local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 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.**
- 10.3 register with the Monitoring Officer any significant gift or hospitality offered but refused.**

In order to protect their position and the reputation of Braunstone Town Council, Councillors should exercise caution in accepting any gifts or hospitality which are (or which they reasonably believe to be) offered because they 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 a Councillor could accept it but must ensure it is publicly registered. However, councillors do not need to register gifts and hospitality which are not related to your role as a Town 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 Town Councillor. Guidance should be sought from the Executive Officer & Town Clerk or District Monitoring Officer.

APPENDIX A – GUIDANCE TO TOWN COUNCILLORS ON 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 the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“Disclosable Pecuniary Interest” means an interest of yourself, or of your partner if you are aware of your partner’s interest, within the descriptions set out in Table 1 below.

“Partner” means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

Disclosure of Other Registerable Interests

5. Where a matter arises at a meeting which ***directly relates*** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
7. Where a matter arises at a meeting which **affects**—
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative, close associate; or
 - c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

8. Where a matter **affects** your financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

9. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her 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 made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) 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.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.

Subject	Description
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; 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 councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* '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.

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Appendix B – the Committee on Standards in Public Life

Braunstone Town Council has adopted its Council Code of Conduct based on the model produced by the Local Government Association (LGA) review in 2020.

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on Local Government Ethical Standards. If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

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.

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.

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.

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.

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.

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

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

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.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.