

Kirkby Malzeard, Laverton and Dallowgill Parish Council

Code of Conduct

Introduction

This Code sets out the standards of behaviour required of councillors, non-councillors with voting rights, and any co-opted members of Parish Council committees or sub-committees. Throughout this document any reference to councillors also applies to non-councillors with voting rights and any co-opted members of committees or sub-committees.

This version of the Code supersedes all previous versions. This document should be read in conjunction with the Standing Orders and Financial Regulations of this Council.

Section 1. General principles of councillor conduct

The purpose of this Code of Conduct is to assist councillors in modelling the behaviour that is expected, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against councillors. It is also to protect councillors, the public, and the reputation of local government. It sets out general principles of conduct expected of all councillors and 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 councillors and local government.

All councillors, as with anyone in public office, should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles. These principles apply to Parish Councillors as follows;

Selflessness

Councillors should act solely in terms of the public interest, and should never improperly confer an advantage or disadvantage on any person.

Integrity

Councillors must act with integrity, and avoid placing themselves under any obligation to people or organisations that might try 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

Councillors must act and take decisions impartially in the interests of the local community, using the best evidence and without discrimination or bias.

Accountability

Councillors must exercise reasonable care and diligence in their duties, and ensure that public resources are used prudently and in the public interest. They are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Councillors 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

Councillors should be truthful.

Leadership

Councillors should exhibit these principles in their own behaviour. They should treat all persons fairly and with respect. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Section 2. Application of the Code of Conduct

This Code of Conduct applies to councillors from the point of signing the declaration of acceptance of the office of councillor (or attending the first meeting as a co-opted member) and continues to apply until resignation from post.

This Code applies to councillors when acting as a councillor or where they claim, or give the impression, that they 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.

Section 3. Standards of councillor conduct

This section sets out the minimum standards of conduct required of a councillor. Should 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.

1. Respect. Councillors must treat other councillors, employees of partner organisations and members of the public with respect and respect for the roles they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate is part of a healthy democracy, and councillors can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. They cannot, however, subject individuals, groups of people or organisations to personal attack.

Councillors should treat the public 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, councillors 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. Councillors must not bully or harass any person. Councillors should 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. Confidentiality and access to information. Unless required by law, or considered to be in the public interest, councillors must not disclose information that is provided in confidence or believed, or could reasonably be believed, to be confidential on acquisition.

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

Councillors should not prevent anyone from getting information that they are entitled to by law. However, councillors should be mindful that some information must be kept confidential by law, such as personal data relating to individuals or information relating to ongoing disputes.

4. Disrepute. Councillors must not bring their role or the Parish Council 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 themselves, other councillors and/or the Parish Council and may lower the public's confidence.

Councillors should hold fellow councillors to account and can 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.

5. Compliance. Councillors undertake to comply with this Code of Conduct, to cooperate with any Code of Conduct investigation, to not intimidate or hinder any investigation and to comply with any sanction imposed for breaching the Code of Conduct.

It is extremely important for councillors to demonstrate high standards, to have actions open to scrutiny and not to undermine public trust in the Parish Council or its governance. Any concerns about the local authority's processes in handling a complaint should be raised with the Monitoring Officer.

Section 4. Disclosure of Interests. Councillors must disclose and register their interests.

Section 29 of the Localism Act 2011 requires the North Yorkshire Council Monitoring Officer to establish and maintain a register interests, so that the public and fellow councillors know which interests might give rise to a conflict. 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. Councillors are personally responsible for deciding whether or not to disclose an interest in a meeting. It is important that the public know about any interest that might have to be disclosed by councillors 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.

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.

In addition, councillors should refuse gifts or hospitality, regardless of value, which could give rise to personal gain or a reasonable suspicion of influence to show favour. There may be times when such a refusal may be difficult if it is seen as rudeness, in which case councillors can accept gifts but must ensure they are publicly registered. Any significant gifts of >£50 must be registered with the Monitoring Officer, whether accepted or declined. Councillors do not need to register gifts and hospitality which are not related to the role of councillor, such as Christmas gifts from your friends and family.

Appendix A sets out the detailed provisions on registering and disclosing interests. If in doubt, councillors should seek advice from the Monitoring Officer.

Appendix A Registering interests

Within 28 days of becoming a councillor or re-election or re-appointment to office, councillors 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”. Councillors should also register details of other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“**Disclosable Pecuniary Interest**” means an interest of the councillor, or partner (if aware of the partner's interest), within the descriptions set out in Table 1 below.

“**Partner**” means a spouse or civil partner, or a person with whom the councillor is living as husband or wife, or a person with whom the councillor is living as if they are civil partners.

1. The councillor must ensure that the 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 there is a ‘sensitive interest’, councillors must notify the Monitoring Officer with the reasons why 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 a Disclosable Pecuniary Interests as set out in **Table 1**, the councillor must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless granted a dispensation. If it is a ‘sensitive interest’, councillors do not have to disclose the nature of the interest, just that there is one.
Dispensation may be granted in limited circumstances, to enable councillors to participate and vote on a matter in which there is disclosable pecuniary interest.

Disclosure of Other Registerable Interests

5. Where a matter arises at a meeting which **directly relates** to one of a councillor’s Other Registerable Interests (as set out in **Table 2**), the councillor must disclose the interest. The councillor 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 dispensation has been granted. If it is a ‘sensitive interest’, the councillor do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to a councillor’s financial interest or well-being (and is not a Disclosable Pecuniary Interest as set out in Table

1) or a financial interest or well-being of a relative or close associate, councillors must disclose the interest. A councillor may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, the councillor must not take part in any discussion or vote on the matter and must not remain in the room unless granted a dispensation. If it is a 'sensitive interest', the councillor does not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which **affects** –
- a. a councillor's 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 categories that councillors need to disclose under Other Registrable Interests as set out in **Table 2**

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

9. Where a matter **affects** a councillor's 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 the councillor's view of the wider public interest

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

If it is a 'sensitive interest', the councillor does not have to disclose the nature of the 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.
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 Parish. '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.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the Parish for a month or longer
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the Parish 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 Parish; 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
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Notes;

* ‘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

The membership of, or position of general control or management in, any;

- (a) Body to which they have been appointed or nominated by the Parish Council as its representative
- (b) Public authority or body exercising functions of a public nature
- (c) Body directed to charitable purposes
- (d) Body whose principal purpose includes the influence of public opinion or policy, including political parties
- (e) Trade union or professional association

For clarification, this includes committee members, trustees or officers, but not simply attendance as a member of the public. For example, School Governor, PCC member, committee member of the Mechanics Institute, etc. should be registered, but not being a parent of a child at a school, or using the Mechanics Institute.