

# Code of Conduct

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## Version Control

Version	Date approved	Minute Ref	Website updated	Next Review
V1	21/06/2022	29/22	March 2023	May 2023
V1/23	13/06/2023	040/23	July 2023	Q2 2024

## **Local Government Association Joint statement**

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 as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want 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.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We 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, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

## Part 1: General Provision of councillor conduct

### 1. Introduction

Every local authority has a statutory duty to promote and maintain high standards of conduct by Members and Co-opted Members of the Council. The Members have a responsibility to represent the community and work constructively with Officers and partner organisations to secure better social, economic and environmental outcomes for all.

The seven principles of public life, also known as the “Nolan principles”, are referred to in the Localism Act 2011. The Members, Co-opted Members, voting members and staff must commit to behaving in a manner that is consistent with the Nolan principles to achieve best value for residents and maintain public confidence in this authority.

#### 1.1 Nolan Principles

**Accountability** – Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**Honesty** – Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest. They should be truthful.

**Integrity** – Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

**Leadership** – Holders of public office should exhibit these principles in their own behaviour and lead by example. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

**Objectivity** – In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

**Openness** – Holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**Selflessness** – Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

In the interests of transparency and openness, and in accordance with the requirements of the Localism Act 2011, a copy of the Register of Members’ Interests is published on the Eastleigh Borough Councils website, and is also available for public inspection.

## **1.2 Purpose and Scope**

The purpose of this Code of Conduct is to assist members 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 also protects members, the public, fellow Councillors, local authority officers and the reputation of local government. It sets out the general principles of conduct expected of all Councillors and their specific obligations in relation to standards of conduct. Support, training and mediation prior to action being taken using the Code will be made available.

The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

### **1.2.1 Scope**

This Code applies to all elected and Co-opted Members of the Council, it commences as soon as you sign the declaration of acceptance of office of councillor or attend your first meeting as a co-opted member and continues to apply until you cease to be a councillor. References in this Code to “Member” shall also be interpreted to include voting Member.

Members are expected to uphold high standards of conduct and always show leadership when acting as a councillor. It applies when acting in an official capacity, or when giving 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 but not limited to:

- face-to-face meetings
- online or telephone meetings
- written communication
- verbal communication
- non-verbal communication
- electronic and social media communication, posts, statements and comments.

Where a Member is a member of more than one local authority, but acting on behalf of the Council, such Member is, for the avoidance of doubt, bound by this Code of Conduct.

The Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and advice can be sought from the Monitoring Officer on any matters that may relate to the Code of Conduct. Members are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

## **1.3 General principles of councillor conduct**

Everyone in public office at all levels; all who serve the public or deliver public services, are subject to the Nolan Principles. Building on the principles, the following has been developed specifically for the role of councillor, acknowledging the public trust placed in them. In undertaking the role all members will act accordingly

On all occasions will act

- Lawfully

- Treat all persons fairly and with respect; and

In undertaking their role will:

- Represent the needs of residents and put their interests first.
- Contribute to making the Councils decision making process as open and transparent as possible.
- Behaving in accordance with all the Council's legal obligations including Crime & Disorder Act 1998, Equality Act 2010, Human Rights Act 1998, Health and Safety Act 1974
- Comply with the conduct requirements contained in the Council's Standing Orders, Financial Regulations, all policies and procedures.

## **1.4 Obligations of Councillors**

This section sets out the obligations, which are the minimum standards of conduct required of a councillor. If a members conduct fall short of the standards, a complaint may be made against the member, which may result in action being taken.

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

### **1.4.1 Respect**

**A councillor will:**

- a) Treat other councillors and members of the public with respect.**
- b) Treat local authority 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.

All members of the public should be treated 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 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.

### **1.4.2 Bullying, harassment and discrimination**

**A councillor will not:**

- a) Bully any person.**
- b) Harass any person.**

**c) Discriminate unlawfully against any person and promote equality for all.**

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.

**1.4.3 Impartiality of officers of the council**

**A councillor will 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. Question can be asked of 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, do 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.

**1.4.4 Confidentiality and access to information**

**A councillor will not disclose information**

- a) Given in confidence by anyone**
- b) Acquired which is believed, or ought reasonably to be aware, is of a confidential nature, unless**
  - (i) Consent received from a person authorised to give it;**
  - (ii) 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:**

- a. reasonable and in the public interest; and
- b. made in good faith and in compliance with the reasonable requirements of the local authority; and
- c. The Monitoring Officer consulted prior to its release.

**1.4.5 Improperly use knowledge gained solely as a result of role as a councillor for the advancement of there self, friends, family members, employer or business interests.**

**1.4.6 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. 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.

**1.4.7 Disrepute**

**As a councillor:**

**Will not bring their role or local authority into disrepute.**

A Councillor is trusted to make decisions on behalf of their community and actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. Be aware that 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 the local authority into disrepute.

A councillor can 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.

**1.4.8 Use of position**

**A councillor will not:**

**Use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

The position as a member of the local authority provides certain opportunities, responsibilities, and privileges, and one makes choices all the time that will impact others. However, do not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

**1.4.9 Use of local authority resources and facilities**

**A councillor will not:**

**Misuse council resources.**

- a) **When using the resources of the local authority or authorising their use by others:**
- (i) **Act in accordance with the local authority's requirements; and**
  - (ii) **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 I have been elected or appointed.**

In order to carry out the duties of a councillor you may be provided with resources and facilities by the local authority to assist and be more effective.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

Council resources 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 in accordance with the local authority's policies.

#### **1.4.10 Comply with the Code of Conduct**

**A Councillor will:**

- a) **Undertake Code of Conduct training provided by the Council**
- b) **Cooperate with any Code of Conduct investigation and/or determination.**
- c) **Not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**
- d) **Comply with any sanction imposed on them following a finding that they have breached the Code of Conduct.**

It is extremely important that as a councillor to demonstrate high standards, for their actions to be open to scrutiny and not to undermine public trust in the local authority or its governance.

If a Councillor does not understand or is concerned about the local authority's processes in handling a complaint, this should be raised with the Monitoring Officer.

## **Part 2: Registration and Disclosure of Interests**

### **2 Interests**

**A councillor will:**

**Register and disclose their interests.**

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

Members must register their interests so that the public, local authority employees and



fellow councillors know which 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 members by allowing them to demonstrate openness and a willingness to be held accountable. The Member is personally responsible for deciding whether or not to disclose an interest in a meeting, but it can be helpful for you 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 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.

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, seek advice from the Monitoring Officer.

### **3 Gifts and hospitality**

**A councillor will:**

- a) 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.**
- b) Register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- c) Register with the Monitoring Officer any significant gift or hospitality that have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, always exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered 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, contact the Monitoring Officer for guidance.

## **Part 3: The Role of Officers**

Members and Officers are indispensable to one another. However, their responsibilities are distinct. Members are accountable to the electorate and serve only so long as their term of office lasts. Officers are accountable to the Council as a whole.

- 3.1 Officers are responsible for giving advice to Members to enable them to fulfil their roles. In doing so, Officers will consider all available relevant factors. Officers will inform members of any Council meeting, consultation or Officer meetings.

- 3.2 Under the direction and control of the Council, Officers manage and provide the Council's services within the framework of responsibilities delegated to them.
- 3.3 Officers have a duty to implement decisions of the Council which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's constitution, and duly minuted.
- 3.4 Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.
- 3.5 Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.
- 3.6 Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Members, the media or other sections of the public.
- 3.7 Officers have the right not to support Members in any role other than that of the Member. There is a statutory limitation on Officers' involvement in political activities.
- 3.8 Some Officers may be appointed to local, regional or national bodies because of their particular skills and expertise. They may be appointed specifically to represent the Council or in their personal capacity.

## Appendices

### Appendix A - Registering interests

Within 28 days of becoming a member or 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 the financial interest or wellbeing of 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 or close associate; or
  - c) a financial interest or wellbeing of a body included under Other Registerable Interests

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 (referred to in paragraph 7 above) affects the 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) 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

**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](#).

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on forprofit or gain.
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during theprevious 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.
<b>Contracts</b>	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 incorporatedbody 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.
<b>Land and Property</b>	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 doesnot give the councillor or his/her spouse orcivil 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.
<b>Licenses</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
<b>Corporate tenancies</b>	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and 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.
<b>Securities</b>	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 have 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 must register as an Other Registrable Interest :

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
  - (i) exercising functions of a public nature
  - (ii) 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)