



# **High Offley Parish Council**

**(including the Wards of Shebdon & Woodseaves).**

## **Councillor Code of Conduct 2021.**

**Formally adopted by Council: 8th July 2021 (Minute 21/077).**

**Next Review: July 2024, or before.**

## Contents

Note.....	4
Definition.....	4
Application of the Code of Conduct.....	4
Joint Statement.....	4
General Principles of Councillor Conduct.....	5
Standards of Councillor Conduct.....	6
1. Respect.....	6
2. Bullying, Harassment and Discrimination.....	6
3. Impartiality of Employees.....	7
4. Confidentiality and Access to Information.....	7
5. Disrepute.....	8
6. Use of Position.....	8
7. Use of Local Authority Resources and Facilities.....	8
8. Complying with the Code of Conduct.....	9
9. Interests.....	9
10. Gifts and Hospitality.....	10
Appendices.....	11
Appendix A: The Seven Principles of Public Life.....	11
Selflessness.....	11
Integrity.....	11
Objectivity.....	11
Accountability.....	11
Openness.....	11
Honesty.....	11
Leadership.....	11
Appendix B: Registering Interests.....	12
Non-Participation in Case of Disclosable Pecuniary Interest.....	12
Disclosure of Other Registerable Interests.....	12
Disclosure of Non-Registerable Interests.....	13
List 1: Disclosable Pecuniary Interests.....	14
Employment, Office, Trade, Profession or Vocation.....	14
Sponsorship.....	14
Contracts.....	14
Land and Property.....	14
Licenses.....	14

Corporate Tenancies.....	14
Securities.....	15
List 2: Other Registrable Interests.....	15

## **Note.**

This Code has been adapted from the Local Government Association's Model Councillor Code of Conduct 2020. Changes have been made, where appropriate, to make the Code specific to councillors of High Offley Parish Council and to aid accessibility of the document. The substance of the Codes themselves, have not been changed.

The Code of Conduct is to assist councillors, by defining the behaviour that is expected of them and to set out the type of conduct that could lead to action being taken against them. This Code of Conduct is one of High Offley Parish Council's three governing documents that provide procedural guidance for members and the Clerk as Proper Officer and Responsible Financial Officer. The Code of Conduct must be observed in conjunction with High Offley Parish Council's Standing Orders and Financial Regulations.

High Offley Parish Council has committed to reviewing this Code periodically, to ensure it remains fit for purpose.

## **Definition.**

For the purposes of this Code, a 'councillor' means an elected member, or co-opted member, of High Offley Parish Council.

## **Application of the Code of Conduct.**

The fundamental aim of the Code of Conduct is increasing public confidence in the roles of councillor and local government. The Code of Conduct applies to councillors, as soon as they sign their declaration of acceptance of office, or attend their first meeting as a co-opted member, and continues to apply to them, until they cease to be a councillor.

The Code applies to all forms of communication and interaction, written communication, verbal and non-verbal communication, as well as social media posts, statements and comments.

Councillors are expected to uphold high standards of conduct and show leadership at all times when acting as councillors.

The Monitoring Officer at Stafford Borough Council has statutory responsibility for the implementation of the Code of Conduct. High Offley Parish Councillors are encouraged, in the first instance, to seek advice from the Clerk on any matters that may relate to the Code of Conduct. The Clerk may subsequently refer matters to the Monitoring Officer.

## **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 behaviours and responsibilities associated with the role. Our conduct as individual councillors, 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; making decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards, demonstrating good conduct and 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 adopted in order to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.*

### **General Principles of Councillor Conduct.**

Everyone in public office at all levels; all who serve the public or deliver public services, including councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles (see **Appendix A**).

Building on these principles, the following general principles have been developed specifically for the role of councillor.

*In accordance with the public trust placed in me, on all occasions:*

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

*In undertaking my role:*

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

## **Standards of Councillor Conduct.**

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

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

### **1. Respect.**

#### **As a councillor:**

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

*1.2 I treat High Offley Parish Council's Clerk; employees and representatives of partner organisations and those volunteering for High Offley Parish Council, with respect and I respect the role they play.*

Respect means politeness and courtesy in behaviour, speech, and the written word. Debate and having different views, are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust, but civil manner. You should not, however, subject individuals, groups of people, or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers public confidence.

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 the matter to High Offley Parish Council, the relevant social media provider, or the police, as appropriate.

### **2. Bullying, Harassment and Discrimination.**

#### **As a councillor:**

*2.1 I do not bully any person.*

*2.2 I do not harass any person.*

*2.3 I promote equality and do not discriminate unlawfully against any person.*

Bullying is defined 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. It can happen face-to-face; on social media; in emails or phone calls; in the workplace; or at work social events and may not always be obvious or noticed by others.

Harassment is defined 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 such as age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation. Specific duties are placed upon local authorities, and councillors have a central role to play in ensuring a continual commitment to equality.

### **3. Impartiality of Employees.**

#### **As a councillor:**

3.1 *I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, High Offley Parish Council.*

The Clerk, for example, works for High Offley Parish 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 professional integrity.

### **4. Confidentiality and Access to Information.**

#### **As a councillor:**

4.1 *I do not disclose information:*

4.1.1 *given to me in confidence by anyone,*

4.1.2 *acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless*

4.1.2.1 *I have received the consent of a person authorised to give it;*

4.1.2.2 *I am required by law to do so;*

4.1.2.3 *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*

4.1.2.4 *the disclosure is:*

- *reasonable and in the public interest; and*
- *made in good faith and in compliance with the reasonable requirements of High Offley Parish Council; and*
- *I have consulted the Clerk of High Offley Parish Council, prior to its release.*

4.2 *I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.*

4.3 *I do not prevent anyone from getting information that they are entitled to by law.*

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when information held by High Offley Parish Council, must be treated in a confidential manner by law, such as personal data.

## **5. Disrepute.**

### **As a councillor:**

5.1 *I do not bring my role, or High Offley Parish Council, into disrepute.*

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

You are able to hold High Offley Parish Council and fellow councillors to account and to constructively challenge and express concern about decisions and processes undertaken by the council, whilst continuing to adhere to the Code of Conduct.

## **6. Use of Position.**

### **As a councillor:**

6.1 *I do not use, or attempt to use, my position improperly, to the advantage or disadvantage, of myself or anyone else.*

Your position as a member of High Offley Parish Council provides you with certain responsibilities and requires you to make choices that will impact others. However, you should not take advantage of your position to further your own, or others' private interests, or to disadvantage anyone unfairly.

## **7. Use of Local Authority Resources and Facilities.**

### **As a councillor:**

7.1 *I do not misuse council resources.*

7.2 *I will, when using the resources of High Offley Parish Council, or authorising their use by others:*

7.2.1. *act in accordance with the local authority's requirements; and*

7.2.2. *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 High Offley*



*Parish Council, or of the office to which I have been elected or appointed.*

You may be provided with resources and facilities by the High Offley Parish Council to assist you in carrying out your duties as a councillor, such as office support and stationery. They should be used in accordance with the purpose for which they are, or have been, provided and not for business or personal gain.

## **8. Complying with the Code of Conduct.**

### **As a Councillor:**

- 8.1 *I undertake Code of Conduct training provided by the Staffordshire Parish Council's Association for High Offley Parish Council.*
- 8.2 *I cooperate with any Code of Conduct investigation and/or determination.*
- 8.3 *I do not intimidate, or attempt to intimidate, any person who is likely to be involved with the administration of any investigation or proceedings.*
- 8.4 *I comply with any sanction imposed on me, following a finding that I have breached the Code of Conduct.*

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny, and for you not to undermine public trust in High Offley Parish Council, or its governance. If you do not understand, or are concerned about High Offley Parish Council's processes in handling a complaint, you should raise this with the Monitoring Officer.

## **9. Interests.**

### **As a councillor:**

- 9.1 *I register and disclose my interests.*

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of High Offley Parish Council.

You need to register your interests, so that the public, the Clerk and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should 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 you, or other councillors, when making or taking part in decisions, so that decision making is demonstrably open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that any failure to register or disclose a disclosable pecuniary interest as set out in **List 1** (below), is a criminal offence under the Localism Act 2011.

**Appendix B** sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from the Clerk or the Monitoring Officer.

## **10. Gifts and Hospitality.**

### **As a councillor:**

- 10.1 *I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real, or substantive, personal gain, or a reasonable suspicion of influence on my part, to show favour from persons seeking to acquire, develop, or do business with High Offley Parish Council, or from persons who may apply to High Offley Parish Council for any permission, licence or other significant advantage.*
- 10.2 *I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50, within 28 days of its receipt.*
- 10.3 *I register with the Monitoring Officer any significant gift or hospitality that I have been offered, but have refused to accept.*

In order to protect your position and the reputation of High Offley Parish Council, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be **NOT** to accept significant gifts, or hospitality. However, there may be times when such a refusal may be difficult, if it is seen as rudeness, in which case you could accept it, but must ensure it is publicly registered. 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 Clerk, in the first instance, for guidance.

# 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 the interests which fall within the categories set out in **List 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 **List 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 List 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 **List 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.
5. Where you have a disclosable pecuniary interest on a matter to be considered, or is being considered by you as a councillor in exercise of your functions, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

### Disclosure of Other Registerable Interests.

6. Where a matter arises at a meeting which directly relates to one of your Other Registerable Interests (as set out in **List 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.

7. 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 **List 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.
8. 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 **List 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.

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.

10. 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.

## **List 1: Disclosable Pecuniary Interests.**

This list defines Disclosable Pecuniary Interests, as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

### **Employment, Office, Trade, Profession or Vocation.**

- a. Any employment, office, trade, profession or vocation, carried on for profit or gain.
- b. 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 them in carrying out their duties as a councillor, or towards any 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 their 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 their 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 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 their 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 their spouse or civil partner or the person with whom the councillor is living, as if they were spouses/civil partners, has a beneficial interest exceeding 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.

### **List 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).