

## MEMBERS' CODE OF CONDUCT

**Local Code of Conduct adopted at Parish Council meeting on 20th July 2015, revised and adopted Sept 2018. Second revision and adoption September 2019. Third revision Sept 2021. Amended and adopted at Council July 2023.**

### **PURPOSE**

The purpose of this code is to be explicit about the kind of behaviour expected of parish councillors. The aim is to promote high standards in public life, safeguard the reputation of an elected body and maintain public confidence in local government

### Part 1 - GENERAL PROVISIONS

#### **Public Duty and Private Interests: An introduction**

- 1 This Code applies to all Members of Broadhembury Parish Council (BPC) whether elected or co-opted (from this point known as the Council).
- 1.2 Members must have regard to the principles of public life (referred to as the Nolan Principles) namely: selflessness, honesty, integrity, objectivity, accountability, openness, personal judgment, respect for others, a duty to uphold the law, stewardship and leadership. (see attachment). Members are representatives not delegates and cannot be mandated to vote or behave in a particular way by any member of the public or outside body.
- 1.3 As a Member of the Council you:
  - (a) must act solely in the public interest and never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for a family, friend or close associate;
  - (b) must not receive payments or gifts and place yourself under a financial or any other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties;
  - (c) must make all choices on behalf of BPC on merit by weighing the benefit to the community as a whole, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits,
  - (d) are accountable to the public for your decisions and you must fully co-operate with any scrutiny that is appropriate to your office;

- (e) must be transparent about your decisions and actions and the decisions and actions of the Council and should be prepared to give reasons for those decisions and actions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council or contained in its Standing orders,
  - (f) must declare any private interests that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out at Part 2 of this Code;
  - (g) must, when using or authorising the use by others of the resources of the Council, ensure that such resources are not used improperly or for political purposes (including party political purposes) and that any use is in accordance with the Council's reasonable requirements and aims;
  - (h) must promote, model, encourage and support high standards of conduct when serving in your public post.
- 1.4 Although you may be influenced by the views of others it is your responsibility alone to decide what view to take on any question which Members have to decide.
- 1.5 You must not do anything which you cannot justify to the public.
- 1.6 The reputation of the Council depends on your conduct.
- 1.7 It is not enough to avoid actual impropriety, you should at all times avoid any occasion for suspicion or appearance of improper conduct.
- 1.8 It is your responsibility to comply with the provisions of this Code.

## Definitions

2. In this Code –

“interest or interests” have the meanings set out in Part 2 of this Code

“meeting” means any meeting of –

- the Council;
- any of the Council's Committees, Sub-Committees, or Joint Sub-committees of one or more Members, formal or informal, with or without the Clerk, relating to the discharge of the Council's functions where a formal record is made by a Council officer

“Relevant person” means:

- you or
- your spouse or civil partner; or
- a person with whom you are living as husband and wife or as if they were civil partners and you are aware that the other person has an interest

“relevant period” means a period of 12 months ending with the date on which you notified EDDC's Monitoring Officer of an interest

## Scope

3. You must comply with this Code whenever you are acting in your official capacity, when:
  - (a) you are engaged on the business of the Council; or
  - (b) you behave so as to give a reasonable person the impression that you are acting as a representative of the Council.
  - (c) Members should be conscious that even when acting in a private capacity, the public will be aware of the public persona and are likely to expect Members to speak from the basis of knowledge gained as a councillor.

## General obligations

4. You must:
  - (a) treat others with courtesy and respect,
  - (b) when reaching decisions on any matter, do so on the merits of the circumstances and in the public interest and have reasonable regard to any relevant advice provided to you by the Clerk.
5. You must not :
  - (a) attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;
  - (b) do anything which may cause the Council to breach a statutory duty .
  - (c) bully any person (bullying may be characterised as any single act or pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse or misuse of power or authority which attempts to undermine or coerce or has the effect of undermining or coercing an individual or group of individuals by gradually eroding their confidence or capability which may cause them to suffer stress or fear);
  - (d) intimidate or attempt to intimidate any person who is or is likely to be –
    - (i) a complainant,
    - (ii) a witness, or
    - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that any member has failed to comply with this Code of Conduct
  - (e) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council;
  - (f) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –
    - (i) you have the consent of a person authorised to give it;
    - (ii) you are required by law to do so;
    - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

- (iv) the disclosure is –
  - (A) in the public interest; and
  - (B) made in good faith and
  - (C) in compliance with the reasonable requirements of the Council;
- (g) prevent another person from gaining access to information to which that person is entitled by law;
- (h) conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office or the Council into disrepute.
- (i) Information gained solely as a result of your office must be handled with caution. It should not be used for the advancement of the Councillor or any relative or business associate. The formal record of decisions are the approved minutes only. At times the Council may go into private session, or matters may be disclosed which are clearly identified as confidential. Any breach of this understanding will be a breach of this Code.
- (j) ‘Respect’ means politeness and courtesy in behaviour, speech and the written word. Debate and a difference of view are all part of a healthy democracy. A councillor can express, challenge, criticise and disagree with views, ideas, opinions and proposals in a robust but civil manner. Personal attack or the personalisation of comment is not respectful.  
In return councillors have a right to expect respectful behaviour from other councillors and members of the public. If any members of the public are abusive, intimidatory or threatening or question decisions made in an informal social setting after the event in a way which is personally critical then the individual should be reported to the Council, the relevant social media provider or the police.
- (k) Bullying is an abuse or misuse of power, status or position intended to humiliate, denigrate or undermine another in words or behaviour whether in person or remotely.
- (l) Harassment is conduct which causes alarm or distress or puts a person in fear of violence. Unwanted communication or contact in a manner which could be expected to cause distress or fear in a reasonable person constitutes harassment
- (m) Unlawful discrimination is when a person is treated unfairly because of a ‘protected characteristic’. A ‘protected characteristic’ is a defined characteristic and includes: age, disability, gender, pregnancy, marital status, race, religion or belief, gender and sexual orientation.

## **Part 2 - INTERESTS**

### **Registration of Interests**

- 6. You must, within 28 days of—
  - (a) this Code being adopted by, or applied to, the Council; or
  - (b) your taking office as a Member or Co-opted Member of the Council, whichever is the later, and annually thereafter, provide written notification to the Clerk for onward transmission to EDDC Monitoring Officer of:

- (i) any disclosable pecuniary interest as defined by Regulations made by the Secretary of State , where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife or as if you were civil partners); and
- (ii) any other personal; interest laid down by the Council, as set out at paragraph 7 below which will be recorded in the Council's Register of Members' Interests and made available for public inspection including on the EDDC's website at [www.eastdevon.gov.uk](http://www.eastdevon.gov.uk)

- 6.1 Within 28 days of becoming aware of any new interest or change to any interest already registered, you must register details of that new interest or change by providing written notification to EDDC's Monitoring Officer. The Clerk will advise.
- 6.2 Whether or not an interest within paragraphs 7.1 to 7.6 below has been entered onto the Council's register, you must disclose any interest to any meeting at which you are present in any matter being considered in line with para 8 below, where the matter is not a 'sensitive interest'
- 6.3 Following any disclosure of an interest not on the Council's register or the subject of pending notification, you must notify EDDC's Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
- 6.4 In relation to disclosable pecuniary interests, in this part of the Code the expressions in the left hand column below have the meanings attributed to them in the right hand column:

"body in which the relevant person has a beneficial interest"	means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director or in the securities of which the relevant person has a beneficial interest
"director"	includes a Member of the committee of management of an industrial and provident society
"land"	excludes an easement, servitude, interest, or right over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income
"Member"	Includes a co-opted Member
"relevant authority"	means the authority of which you are a Member, in this case Broadhembury Parish Council
"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

7. The interests you must register are:

### **Disclosable pecuniary interests**

- 7.1 those disclosable pecuniary interests defined by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012/ 1464) as set out below, namely:
- (a) any employment, office, trade, profession or vocation carried on for profit or gain by you or a relevant person;
  - (b) any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred in carrying out duties as a Member, or towards your election expenses, including any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992;
  - (c) any contract which is made between you, or so far as you are aware a relevant person (as defined at Para 2 above) (or a body in which the relevant person has a beneficial interest) and the Council:
    - (1) under which goods or services are to be provided or works are to be executed; and
    - (2) which has not been fully discharged
  - (d) any beneficial interest in land held by you or so far as you are aware a relevant person which is within the administrative area of the Council;
  - (e) any licence (alone or jointly with others) to occupy land in the administrative area of the Council for a month or longer
  - (f) any tenancy where (to your knowledge):
    - (1) the landlord is the Council; and
    - (2) the tenant is a body in which you or so far as you are aware a relevant person has a beneficial interest.
  - (g) any beneficial interest that you, or so far as you are aware a relevant person has in securities of a body where:
    - (1) that body (to your knowledge) has a place of business or land in the administrative area of the Council and
    - (2) either:
      - (A) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
      - (B) 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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

### **Personal interests**

- 7.2 Those other personal interests laid down by the Council, namely your membership of any body to which you have been appointed by the Council or exercising functions of a public nature, directed to charitable purposes or whose principal purposes include influence of public opinion or policy, including your membership of any other local Authority, any political party or trade union.

- 7.3 Any land where the landlord is the Council and the Member is, or a firm in which the Member is a partner or a company of which the Member is a remunerated director is the tenant
- 7.4 Any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
- 7.6 In addition to those interests listed at 7.1 to 7.5 above which you are required to register, you may wish also to declare membership of any body which, in your view, might create a conflict of interest in carrying out your duties as a Councillor, such as membership of the Freemasons or any similar body.
- 7.7 Where EDDC's Monitoring Officer agrees that any information relating to your interests is "sensitive information" namely information whose availability for inspection by the public is likely to create a serious risk that any person may be subjected to violence or intimidation, you need not include that information when registering that interest, or, as the case may be, any change to that interest.
- 7.8 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded is no longer sensitive information, notify the Monitoring Officer asking that the information be included in the Parish Council's Register of Members' Interests.

### **Declaration of Interests and participation at meetings**

- 8.1 Unless a dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a disclosable pecuniary interest as defined by Regulations referred to at para 6(b)(i) and you must also observe the restrictions the Council may also place on your involvement in matters where you have a personal interest as defined by the Council and shown at paras 7.2 to 7.7 above.
- 8.2 You also have a personal interest in any business of your authority where a reasonable person with knowledge of the relevant facts would regard the interest as greater than would affect the majority of residents or inhabitants in the affected area such that it is likely to prejudice your judgment of the public interest
- 8.2 Where you have any interest in any business of the Council and you attend any meeting at which that business is to be considered, you must:
- (a) disclose to that meeting the existence and nature of that interest but where your interest is sensitive you are not required to disclose the interest but merely the fact there is an interest in the matter concerned.
  - (b) disclose any interest in accordance with the Council's reasonable requirements, no later than the commencement of the consideration of the business in which you have that interest, or (if later) the time at which the interest becomes apparent to you;
  - (c) where you have a disclosable pecuniary interest, withdraw from the room or chamber where a meeting considering the business is being held at the commencement of the consideration of that business in which you have that interest, or (if later) the time at which the interest becomes apparent to you unless you have obtained a dispensation from the Council's Monitoring Officer or the Standards Committee;

- (d) not seek to influence improperly any decision about that business.

## **Gifts**

- 9.1 As a member of Broadhembury Parish Council you should not accept any gift or hospitality however small. If you consider that refusal of a gift or hospitality will cause offense then it must be accepted and declared to the Clerk who will decide on a course of action. Any prior discussions with members of the public which imply that a benefit or gift might ensue from a particular course of action must be disclosed immediately to the Clerk and the member of the public concerned advised of this course of action.

## **Conduct of Electronic Communication**

The code of conduct applies to all electronic communications

- 9.1 Standing Orders of Broadhembury Parish Council provide for certain categories of decision making to be conducted electronically.
- 9.2 All communication regarding Parish Council business must be made through your Parish Council Email address. You must not conduct Parish Council business using private or personal business Email accounts
- 9.3 The Clerk must ordinarily be copied into all Email communications between members and or/to outside bodies, unless to do so would be inappropriate
- 9.4 A nominated Parish Councillor and the Clerk have been designated as web-master of the Parish web site ( [Broadhembury-pc.gov.uk](http://Broadhembury-pc.gov.uk) ) and only he/she has the authority to post items, amend information or design pages. This authority will be reviewed periodically. The Chairman has overall editorial responsibility.

## **Breach of the Code of Conduct**

- 10.1 If a member of the Parish Council believes that this Code has been breached then he/she should raise the issue with either the Clerk or the Chairman either in writing or by telephone, thereby triggering Broadhembury Parish Council's internal complaint procedure.
- 10.2 If a member of the public believes that this Code has been breached by an individual member of the Parish Council then he/she may raise it with the Clerk or Chairman, either in writing or by telephone, thereby triggering Broadhembury Parish Council's internal complaint procedure.
- 10.3 If a member of the Parish Council or a member of the public believes that the code of conduct has been breached by either the Clerk or the Chairman of the Parish Council then he/she may raise it with a member of the parish council who will be directly responsible for notifying the Clerk or Chairman that they are the subject of a potential complaint.
- 10.3 In the event of a complaint being instigated under paragraphs 10.1 to 10.3 above the following internal complaints process will apply:



- 10.3.1 Where the complaint is raised by telephone the person with whom the complaint is raised will take a detailed note of the complaint and what the complaining party would like to have done about it. He/ she will discuss the complainer's concerns and aim to resolve them. If the matter is resolved he/she will record the outcome, and check that the complainer is satisfied with the outcome and record that they are satisfied. The complainer should be reminded that they may wish to take their own note of any discussions.
- 10.3.2 If it has not been possible to resolve the complaint on the telephone the complainer will be invited to set out the details of their complaint in writing. See 10.3.3 below.
- 10.3.3 Where a complaint is raised in writing against a member of the Parish Council other than the Clerk or Chairman, the complainer shall set out the basis of the complaint in writing addressed to the Parish Clerk copying in the Chairman of the Parish council as follows:
- Complainers name and address;
  - Which member(s) of Parish Council they are complaining about;
  - The detail of the complaint; and
  - What they would like done about it.

Please see the Website for contact details.

- 10.3.4 There are a max of 12 members of Broadhembury Parish Council. Any written complaint will be considered by the Chairman and Vice Chairman of the Parish Council assisted by The Clerk. Within 14 days of the complaint being received the Chairman of the Parish Council or the Vice Chairman will appoint a member of the Parish Council to investigate it. If the complaint is against Chairman of the Parish Council or Vice Chairman, the Parish Clerk will appoint a member of the Parish Council other than the person being complained about, to investigate the complaint.
11. The person appointed to investigate will write to the complainer as soon as possible to let them know he/she has been appointed and that he/she will reply to your complaint within 14 days. If he/she finds later that he/she is not going to be able to reply within 14 days they will set a new date for the reply and inform the complainer. His/her reply will set out:
- The nature and scope of the investigation;
  - His/her conclusion on each complaint and the basis for his/her conclusion; and
  - If he/she finds that the complaint is justified, his/her proposals for resolving the complaint.
12. Any complaint that an enquiry into an alleged breach of this code of conduct has been unsatisfactorily dealt with should be referred to the Monitoring Officer at EDDC. Whilst Broadhembury PC wishes the opportunity to resolve complaints internally this does not preclude a complainant referring the matter directly to EDDC without advising BPC of such action.

## **Confidentiality**

13. All conversations and documents relating to the complaint will be treated as confidential and will be disclosed only to the extent that is necessary. Disclosure will be to the Chairman and Vice Chairman of the Parish council, the parish clerk and the investigating parish councillor and the member of the parish council against whom the complaint is made. EDDC is entitled to inspect the documents and seek information about the complaint when discharging its auditing and monitoring functions.

## **Our Policy**

14. BPC will keep a written record of any complaint and retain all documents and correspondence generated by the complaint for a period of six years.

## **CONCLUSION**

This code describes the high standards of behaviour required of Parish Councillors. As a general rule it is sensible to ask; 'how could this action be perceived?' and if the hypothetical response is negative then proceed with caution if at all. Most Councillors would not usually set out to ignore the Code of Conduct by intention. It is more likely that in the heat of debate things are said or actions taken which breach the code by default. Often an apology will rectify the matter but if the matter proceeds to the formal stages outlined here then the loss of personal reputation or name, the damage to the 'brand' of Broadhembury Parish Council and the amount of time and energy engaged in formal quasi-legal process is distracting and lengthy. All parties should seek to avoid this stage for the good of the community, the quality of democratic representation and the well-being of individual Councillors.