



## **CODE OF CONDUCT**

**The Code of conduct was adopted by the Town Council on 3 July 2012.**

### **Introduction**

Pursuant to section 27 of the Localism Act 2011, Ashington Town Council ('the Council') has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council.

This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

### **Definitions**

For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

### **Member obligations**

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations.

1. He/she shall behave in such a way that a reasonable person would regard as respectful.
2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory\*.
3. He/she shall not behave in a manner which a reasonable person would regard as likely to bring the Council, or his/her office as a member of the Council, into disrepute
4. he/she shall not seek improperly to confer an advantage or disadvantage on any person.
5. He/she shall use the resources of the Council in accordance with its requirements.
6. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.

*\*“Bullying” may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour and includes “cyber bullying”. It may happen once or be part of a pattern of behaviour. It can be contrasted with the legitimate challenges a member may make in challenging policy or scrutinising performance. You may challenge others as to why they hold their views but must take care to raise issues in the appropriate forum. Ideas and policies may be robustly criticised but individuals should not be subject to unreasonable or excessive personal attack.*

## **General obligations**

Whenever you are acting as a member or co-opted member of this authority you must act in accordance with the following obligations:

### ***Selflessness***

You must act solely in the public interest and must never use or attempt to use your position improperly to confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, friends or close associates.

### ***Integrity***

You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties. You should exercise independent judgement. Although you may take account of the views of others (including a political group), you should reach your own conclusions on the issues before you and act in accordance with those conclusions.

### ***Objectivity***

When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending

individuals for rewards or benefits, on merit. You should remain objective, listen to the interests of all parties appropriately and impartially and take all relevant information, including advice from the authority's officers, into consideration.

### ***Accountability***

You are accountable to the public for your decisions and you must co-operate fully with whatever scrutiny is appropriate to your office, including by local residents.

### ***Openness***

- (i) You must be open and transparent where possible about your decisions and actions and the decisions and actions of your authority. You should be prepared to give reasons for those decisions and actions. You must not prevent anyone getting information that they are entitled to by law.
- (ii) Where the law or the wider public interest requires it, you must not disclose confidential information or information to which public access is restricted. ( see footnote)

### ***Honesty***

- (i) You must declare any private interests, both pecuniary and non-pecuniary, 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 as set out in Section B below.
- (ii) You must only use or authorise the use of the authority's resources in accordance with the authority's requirements. You must, when using or authorising the use by others of such resources, ensure that they are used for proper purposes only. Resources must not be used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986

### ***Respect for others***

- (i) You must treat others with courtesy. You should engage with colleagues and staff in a manner that underpins mutual respect and courtesy, essential to good local government.
- (ii) You must not do anything which may cause your authority to breach any equality laws.
- (iii) You must not compromise or attempt to compromise the impartiality of anyone who works for, or on behalf of, the authority.
- (iv) You must not bully any person, including other councillors, officers of the authority or members of the public. (see footnote)

### ***Leadership***

You must promote and support high standards of conduct when serving as member or co-opted member of the authority, by leadership and example, championing the interests of the community. You should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in you.

### ***Gifts and Hospitality***

You must within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £100 which you have accepted as a member from any person or body other than the authority. The Monitoring Officer will place your notification on a public register of gifts and hospitality.

### **Registration of interests**

7. Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B.
8. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register with the monitoring Officer any interests in Appendices A and B.
9. A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.
10. A member need only register the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

### **Declaration of interests at meetings**

11. Where a matter arises at a meeting which relates to an interest in Appendix A the member shall:
  - (a) declare what his/her interest is;
  - (b) not participate in a discussion or vote on the matter;
  - (c) leave the room while the matter is discussed and voted upon.
12. Subject to paragraph 11, where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall disclose he/she has an interest but not the nature of it.
13. Where a matter arises at a meeting which relates to an interest in Appendix B, the member;

- (a) shall declare what his/her nature of the interest
  - (b) may speak on the matter only if members of the public are also allowed to speak at the meeting.
  - (c) shall not vote on the matter.
14. Subject to paragraph 13, where a matter arises at a meeting which relates to an interest in Appendix B which is a sensitive interest, the member shall disclose he/she has an interest but not the nature of it.
15. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest in Appendix A), the member:
- (a) shall disclose the nature of the interest
  - (b) may speak on the matter only if members of the public are also allowed to speak at the meeting
  - (c) shall not vote on the matter.

If it is a 'sensitive interest'\* the member shall declare the interest but not the nature of the interest.

*\*A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.*

16. If a Council function can be discharged by the member acting alone, and he/she is aware that they have an interest in Appendices A or B, he/she shall not deal with that matter except to enable the matter to be dealt with by someone else.

### **Dispensations**

17. On a written request made to the Council's Clerk, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting if he/she has an interest in Appendices A and B if the Council believes that:
- (a) the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business
  - (b) it is in the interest of the inhabitants in the Council's area to allow the member to take part or
  - (c) it is otherwise appropriate to grant a dispensation.

## **Promotion and maintenance of standards**

18. A member shall:

- (a) familiarise him/herself with the Council's Code of Conduct and any other policies or standing orders of the Council which relate to members' conduct
- (b) support the Council in the promotion of high standards, and in ensuring access by the public to the Council's records regarding the registration and declarations of members' interests.
- (c) ensure that the Council seeks guidance as appropriate, from the Council's Monitoring Officer, before it makes any material alterations to its Code of Conduct or to any other policies or standing orders of the Council which relate to members' conduct.

Ashington Town Council has adopted this Code of Conduct to promote and maintain high standards of conduct and underpin public confidence in the authority and its members and co-opted members.

The Code has been adopted under section 27 of the Localism Act 2011 and is based on the following core principles of public life - selflessness, integrity, objectivity, accountability, openness, honesty and leadership. It sets out general obligations about the standards of conduct expected of members and co-opted members of the authority, together with provisions about registering and declaring interests.

### **Notes**

"Confidential Information" should not be disclosed except in limited circumstances, for example:

- You have the consent of the person authorised to give it
- You are required by law to do so
- The disclosure is made on a confidential basis to a third party in order to obtain professional advice
- You have satisfied yourself that the disclosure is in the public interest

## **Appendix A: Disclosable Pecuniary Interests.**

Interests defined by regulations made under section 30(3) of the Localism Act 2011 and described in the table below. They include interests which are held by: the member; his spouse or civil partner; a person with whom he/she is living as husband and wife; or a person with whom he/she is living as if they were civil partners, and the member is aware that the other person has the interest.

Extract from the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

- The following categories are Disclosable Pecuniary Interests
- “M” denotes the relevant Elected Member

<b>Subject</b>	<b>Subject Prescribed description</b>
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 relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.  This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(1).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—  (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	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and

	(b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to M’s knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

( 1 ) 1992 c. 52.

## **Appendix B**

An interest which relates to or is likely to affect:

- (i) Any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- (ii) Any body –
  - (a) Exercising functions of a public nature
  - (b) Directed to charitable purposes; or
  - (c) One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which the member of the Council is a member or in a position of general control or management
- (iii) Any person from whom the member has received within the previous three years gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.