

## PART B – CODES OF CONDUCT AND GUIDANCE FOR COUNCILLORS AND OFFICERS

### CODE OF CONDUCT FOR COUNCILLORS AND CO-OPTED MEMBERS

#### INTRODUCTION

1. The public is entitled to expect the highest standards of conduct from all Councillors and co-opted members of the County Council.
2. The Code sets out the standards of service that are expected from Councillors and co-opted members of the Council. In particular, Councillors and co-opted members should act in an open and transparent manner and should not do anything which would prejudice the reputation of the Council.
3. It is important Councillors and co-opted members understand their position as regards standards of conduct, and if in any doubt should seek guidance. This is because in some circumstances a breach of the Code could be a criminal offence and because any person could make a complaint to the Council if they believe a Councillor or co-opted member has breached the Code.
4. This Code is adopted in accordance with Section 27(2) of the Localism Act 2011. This Code is accompanied by a Councillors' Interests Protocol and a Procedure for Dealing with Conduct Allegations.

#### UNDERLYING PRINCIPLES

5. As a Councillor or co-opted member of the Council you must have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership – the seven 'Nolan Principles' of public life.
6. This Code applies when you are acting in your capacity as a Councillor or co-opted member. This includes attendance at formal committee meetings, acting as a formal representative of the Council, discharging your electoral division functions, meetings with County Council officers and site visits. Also all telephone calls, emails, letters and social media posts where it could be perceived that you are acting in your capacity as a Councillor or co-opted member.
- 5.7. It may sometimes be difficult to distinguish between whether you are acting in a public or private capacity, for example on social media and when attending public events. You are an ambassador for the County Council whenever you are in public, whether on social media or in person. You should bear in mind at all times and in all situations the obligations you have under this Code.

## GENERAL CONDUCT

6-8. Accordingly, when acting in your capacity as a Councillor or co-opted member:

- a. You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate;
- b. 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;
- c. 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;
- d. You are accountable for your decisions to the public and you must cooperate fully with whatever scrutiny is appropriate to your office;
- e. You must be as open as possible 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;
- f. You must declare any private interests, both pecuniary and nonpecuniary, 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 in the box below;
- g. You must, when using or authorising the use by others of the resources of the Council, ensure that such resources are not 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;
- h. You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example, by respecting others and not bullying, intimidating or harassing any person, or behaving in an improper or offensive manner (including by using offensive language or making personal remarks about individuals), by respecting the confidentiality of information you receive, and by not conducting yourself in a manner which is likely to bring the authority into disrepute.

## POLICIES, PROTOCOLS AND PROCEDURES

9. You must comply with the Council's adopted policies, protocols and procedures including: -

a. Policies

- i. Councillor Divisional Fund Policy and Guidance
- ii. Equality and Diversity Policy
- iii. ICT policies and Councillor's ICT Acceptable Use Guidance
- iv. Information Management policies
- v. Travel and Accommodation Policy

b. Protocols

- i. Councillor Interests Protocol
- ii. Councillor Gifts and Hospitality Protocol
- iii. Councillor Use of Resources Protocol
- iv. Councillors' Social Media Protocol
- v. Protocol for Councillor and Officer relationships
- vi. Protocol for involvement in outside bodies

c. Procedures/Schemes

- i. Councillors' Allowances Scheme
- ii. Disclosure and Barring Scheme checks procedure
- iii. Procedure rules for meetings of Full Council and Committees

**REGISTERING AND DECLARING PECUNIARY AND NON-PECUNIARY INTERESTS**

~~7-10.~~ You must, within 28 days of taking office as a Councillor or co-opted member, notify the Council's Monitoring Officer of any Disclosable Pecuniary Interest (we have set out the definition of a Disclosable Pecuniary Interest in the Appendix to Councillors' Interests Protocol which accompanies this Code), where the pecuniary interest is yours, or that of your spouse, civil partner, or a person you are cohabiting with. **Failure to do so is a criminal offence. On reelection you must check, within 28 days, whether any amendment is needed to the information you provided previously. Again, failure to do so is a criminal offence.**

~~11.~~ You must declare any Disclosable Pecuniary Interests ~~and private interests, both pecuniary and non-pecuniary,~~ to any meeting of the Council at which you are present and have an interest in any matter being considered. **Failure to do so is a criminal offence.**

~~8.~~

~~9-12.~~ If the interest being declared is a "sensitive interest" you only have to disclose the fact you have an interest but do not need to disclose the nature of the interest.

~~10-13.~~ Following any disclosure at a meeting of a Disclosable Pecuniary Interest not already on the Council's register, you must notify the Monitoring Officer of the interest within 28 days of the date of disclosure. **Failure to do so is a criminal offence.**

14. Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function ~~related to any matter in relation to any business~~ in which you have a Disclosable Pecuniary Interest. **Failure to do so is a criminal offence.** Additionally, you are required to leave the room in which the meeting is being held whilst the matter is under consideration in accordance with the Council and Committee procedure rules, ~~paragraphs 17 and 12 respectively.~~

15. **In addition you must declare any Private Interests, both pecuniary and nonpecuniary, to any meeting of the Council at which you are present and have an interest in any matter being considered. You may still participate in the item under discussion and vote, although depending on the circumstances you may decide it would be more appropriate not to.**

16. **A Private Interest is where a decision in relation to that interest might reasonably be regarded as affecting the wellbeing or financial standing of you or a member of your family or a person you have a close association with, more than it would other people in your electoral division or the County Council's area. It may also include other positions held where relevant, for example membership of a board or association or being a school governor. In short, anything you think the public would expect to know about if, as a Councillor or co-opted member, you were involved in a matter relating to it.**

~~11-17.~~

## **SENSITIVE INTEREST**

12-18. Where you are concerned that the disclosure of an interest would lead to you or a person connected with you being subject to violence or intimidation, you may request the Monitoring Officer to agree that the interest is a "**sensitive interest**".

19. If the Monitoring Officer agrees, then at a meeting you merely have to disclose the existence of the sensitive interest rather than the detail of it, ~~at a meeting, and. Where it is a Disclosable Pecuniary the Interest the~~ Monitoring Officer ~~can~~ will also exclude the detail of the sensitive interest from the Council's publicly available version of the register. If circumstances change you should notify the Monitoring Officer so that the public register can be amended accordingly.

13-20. The Council has adopted a **Councillor Interests Protocol** to accompany this Code of Conduct; Councillors and co-opted members should refer to it for further information and guidance.

14. ~~You must, within 28 days of becoming aware of any change of circumstances which means that information excluded is no longer a “sensitive interest”, notify the Council’s Monitoring Officer in writing.~~

DRAFT