

# HENFIELD PARISH COUNCIL

## CODE OF MEMBERS' CONDUCT

### Introduction and interpretation

This Code of Members' Conduct ('Code') is made under section 27(2) of the Localism Act 2011 and was adopted by Henfield Parish Council on 2020

- 1(1) This Code applies to you as a member of Henfield Parish Council.
- 1(2) You should read this Code together with the general principles of public life referred to in section 28(1) of the Localism Act 2011 and set out in Part 5 of this Code.
- 1(3) It is your personal responsibility to comply with the provisions of this Code.
- 1(4) In this Code—
- (a) 'meeting' means any meeting of—
    - (a) the authority;
    - (b) any of the authority's committees, sub-committees, joint committees or joint sub-committees;
    - (c) members formal or informal meetings with other members and/or with officers relating to the business of the authority.
- 'member' includes a co-opted member and an appointed or elected member.
- 'register of member's interests' means the authority's register of member's pecuniary and other interests established and maintained by the authority's monitoring officer under section 29 of the Localism Act 2011.
- 'the authority' or 'your authority' means Henfield Parish Council.
- 1(5) References to the authority's chief finance officer shall be read as references to the person appointed by Henfield Parish Council under the Local Government Act 1972 section 151 who has responsibility for the administration of its financial affairs namely the Clerk to the Council.
- 1(6) References to the authority's monitoring officer and the authority's standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of Horsham District council which has functions in relation to Henfield Parish Council for which it is responsible under sections 28(9) and 29(4) of the Localism Act 2011.

## **Introduction**

As a Councillor you represent local residents, work to develop better services and deliver local change. The public have high expectations of you and entrust you to represent everyone in your parish, taking decisions fairly, openly, transparently and with civility. You should also be treated with civility by members of the public, other councillors and council employees. Members have both individual and collective responsibility to maintain these standards, support expected behaviour and challenge behaviour which falls below expectations.

## **Purpose**

The purpose of this Code of Conduct is to assist councillors in modelling the behaviour that is expected of them, to provide a personal check and balance, and to set out the type of conduct against which appropriate action may be taken. It is also to protect yourself, the public, fellow councillors, council officers and the reputation of local government. It sets out the conduct expected of all Members and a minimum set of obligations relating to conduct. The overarching aim is to create and maintain public confidence in the role of Member and local government.

## **Application of the Code**

The Code of Conduct applies to you when you are acting or claiming or giving the impression that you are acting in public or in your capacity as a Member or representative of your council, although you are expected to uphold high standards of conduct and show leadership at all times. The Code applies to all forms of Member communication, including written, verbal, non-verbal, electronic and social media, including where you could be deemed to be representing your council or if there are potential implications for the council's reputation. Model conduct and expectations is for guidance only, whereas the specific obligations set out instances where action will be taken.

## **The seven principles of public life**

Everyone in public office at all levels – Ministers, civil servants, Members, council officers – all who serve the public or deliver public services should uphold the seven principles of public life. This Code has been developed in line with these seven principles of public life, which are set out in appendix A.

## **Model Member conduct**

In accordance with the public trust placed in me, on all occasions I will: • act with integrity and honesty • act lawfully • treat all persons with civility; and • lead by example and act in a way that secures public confidence in the office of Councillor

In undertaking my role, I will: • impartially exercise my responsibilities in the interests of the local community • not improperly seek to confer an advantage, or disadvantage, on any person • avoid conflicts of interest • exercise reasonable care and diligence; and • ensure that public resources are used prudently and in the public interest

## **Specific obligations of general conduct**

This section sets out the minimum requirements of Member conduct. Guidance is included to help explain the reasons for the obligations and how they should be followed. These obligations must be observed in all situations where you act or claim or give the impression that you are acting as a councillor or in public, including representing your council on official business and when using social media. The NALC protocol on Member/Officer Relations is attached at Appendix C.

As a Councillor I commit to:

### **Civility**

1. Treating other councillors and members of the public with civility.
2. Treating council employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play.

Civility 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 civil manner. You should not subject individuals, groups of people or organisations to unreasonable or excessive personal attack.

In your contact with the public you should treat them courteously. Rude and offensive behaviour lowers the public's expectations and confidence in its elected representatives.

In return you have a right to expect courtesy from the public. If members of the public are being abusive, threatening or intimidating you are entitled to close down any conversation in person or online, refer them to the council, any social media provider or if necessary, the police. This also applies to Members, where action could then be taken under the Member Code of Conduct.

### **Bullying and harassment**

3. Not bullying or harassing any person.

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. The 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 not always be obvious or noticed by others.

The Equality Act 2010 defines harassment as "unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual". The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation.

### **Impartiality of officers of the council**

4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council.

Officers work for the council 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. Although you can question 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, you must 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.

### **Confidentiality and access to information**

5. Not disclosing information given to me in confidence or disclosing information acquired by me which I believe is of a confidential nature, unless I have received the consent of a person authorised to give it or I am required by law to do so.

6. Not preventing anyone 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 circumstances. You should work on this basis but there will be times when it is required by law that discussions, documents and other information relating to or held by the council are treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

### **Disrepute**

7. Not bringing my role or council into disrepute.

Behaviour that is considered dishonest and/or deceitful can bring your council into disrepute. As a Member you have been entrusted 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 other councillors and/or your council.

### **Your position**

8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a Member of the council provides you with certain opportunities, responsibilities and privileges. However, you should not take advantage of these opportunities to further private interests.

### **Use of council resources and facilities**

9. Not misusing council resources.

You may be provided with resources and facilities by the council to assist you in carrying out your duties as a councillor. Examples include office support, stationery and equipment such as phones, and computers and transport. These are given to you to help you carry out your role as a councillor more effectively, not to benefit you personally.

## **Interests**

### 10. Registering and declaring my interests.

You need to register your interests so that the public, council employees and fellow Members know which of your interests might give rise to a conflict of interest. The register is a document that can be consulted when (or before) an issue arises, and so allows others to know what interests you have, and whether they might give rise to a possible conflict of interest. The register also protects you. You are responsible for deciding whether or not you should declare 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 declared by you or other Members, 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. Discuss the registering and declaration of interests with your Parish Clerk and more detail is set out in appendix B.

## **Gifts and hospitality**

11. Not accepting significant gifts or hospitality from persons seeking to acquire, develop or do business with the council or from persons who may apply to the council for any permission, licence or other significant advantage.

12. Registering with the Monitoring Officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.

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 Member. However, you do not need to register gifts and hospitality which are not related to your role as a Member, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you may wish to notify your Monitoring Officer of any significant gifts you are offered but refuse which you think may have been offered to influence you.

## **Breaches of the Code of Conduct**

Most councillors conduct themselves appropriately and in accordance with these standards. Members have both individual and collective responsibility to maintain these standards, support expected behaviour and challenge behaviour which falls below expectations.

Section 27 of the Localism Act 2011 requires relevant authorities to promote and maintain high standards of conduct by Members and co-opted Members of the authority. Each local

authority must publish a code of conduct, and it must cover the registration of pecuniary

interests, the role of an 'Independent Person' to advise on and investigate alleged breaches, and sanctions to be imposed on any councillors who breach the Code.

The 2011 Act also requires local authorities to have mechanisms in place to investigate allegations that a Member has not complied with the Code of Conduct, and arrangements under which decisions on allegation may be made.

Failure to comply with the requirements to register or declare disclosable pecuniary interests is a criminal offence. Taking part in a meeting or voting, when prevented from doing so by a conflict caused by disclosable pecuniary interests, is also a criminal offence.

Political parties may have its own internal standards and resolution procedures in addition to the Member code of conduct that Members should be aware of.

Note – items in square brackets [x] refer to recommendations made by the Committee on Standards in Public Life and may be part of a future Government consultation. This includes possible future sanctions and appeals processes.

*ii CSPL recommend that “councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.” iii Subject to footnotes 1 and 2 above iv See CSPL website for further details <https://www.gov.uk/government/news/the-principles-of-public-life-25-years-v-acas-definition-of-bullying>.*

## **Code Appendix A**

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 declare 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.

## **Code Appendix B**

### **Registering interests**

1. Within 28 days of this Code of Conduct being adopted by the council or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Table A (Disclosable Pecuniary Interests) and Table B (Other Registerable Interests).
2. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest in Table A or B, or of any change to a registered interest, notify the Monitoring Officer.

### **Declaring interests**

3. Where a matter arises at a meeting which directly relates to an interest in Table A, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.
4. Where a matter arises at a meeting which directly relates to an interest in Table B, you must declare 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 declare the nature of the interest.
5. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you must declare 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 declare the nature of the interest.

6. 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 friend, relative, close associate; or
- c. a body covered by table A below you must disclose the interest.

7. Where the matter affects the financial interest or well-being to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest you must declare 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 declare the nature of the interest.

**Table A: Interests described in the table below.**

<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain. Any unpaid directorship.
<b>Sponsorship</b>	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 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 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.
<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 does not give 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 (alone or

	jointly with another) a right to occupy or to receive income.
<b>Licences</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 (b) 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 has 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 B**

- (i) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council;
- (ii) (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 you are a member or in a position of general control or management.  
**Code appendix C**

## **MEMBER / OFFICER RELATIONS PROTOCOL**

### **1. Introduction**

1.1 The relationship between councillors and officers is an essential ingredient that goes into the successful work of the council. This relationship should be characterised by mutual respect, informality and trust. Councillors and officers should feel free to speak to one another openly and honestly.

1.2 The purpose of this protocol is to help councillors and officers continue this relationship, and give guidance on their respective roles and expectations on their relationships with each other.

1.3 The protocol also gives guidance on what to do on the rare occasions when things go wrong within this relationship.

1.4 The protocol should be read and operated in the context of any relevant legislation and national and local codes of conduct.

### **2. Roles of councillors and officers**

2.1 The respective roles of councillors and officers can be summarised as follows:

*Councillors and officers are servants of the public and they are indispensable to one another, although they have different responsibilities. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the council. Their job is to give advice to councillors and to the council, and to carry out the council's work under the direction and control of the council and its committees or sub-committees. Mutual respect between councillors and officers is essential to the successful working of a local council.*

2.2 Councillors are responsible for determining the policy of the council and providing strategic leadership, representing the council externally when properly authorised to do so, and acting as advocates on behalf of their constituents. It is not the role of councillors to involve themselves in the day to day management of the council.

2.3 Chairmen and vice chairmen of the council and its committees or sub-committees have additional responsibilities. Due to the nature of those responsibilities, their relationships with officers may be different from and more complex than those of councillors without those responsibilities. This is recognised in the expectations

they are entitled to have. However, such councillors must still respect the impartiality of officers, must not ask them to undertake work of a party political nature, or to do anything which may compromise the nature of their role.

2.4 The role of officers is to give advice and information to the councillors and to implement the policies determined by the council. In giving such advice to councillors, and in preparing and presenting reports, it is the responsibility of the officer to express his/her own professional views and recommendations, without favouring any political party view.

2.5 Certain senior officers, e.g. Proper Officer and RFO, have responsibilities in law over and above their obligations to council and/or individual councillors, and councillors must respect these responsibilities and must not obstruct officers in the discharge of their duties.

### **3. Expectations**

3.1 Councillors can expect from officers:

- a commitment to the Council as a whole, and not to any group or individual councillor
- a working partnership
- an understanding of and support for respective roles, workloads and pressures
- a timely response to enquiries and complaints
- impartial, professional advice, not influenced by political views or preference
- regular, up to date information on matters that can reasonably be considered appropriate and relevant to councillors
- awareness of and sensitivity to the political environment
- respect, dignity and courtesy
- training and development in order to carry out their role effectively
- integrity, mutual support and appropriate confidentiality
- that officers will not use their relationship with councillors to advance their personal interests or to influence decisions improperly

3.2 Officers can expect from councillors:

- a working partnership

- an understanding of and support for respective roles, workloads and pressures
- respect, dignity and courtesy
- integrity, mutual support and appropriate confidentiality
- not to be subjected to bullying or harassment or to be put under undue pressure
- that councillors will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly
- that councillors will at all times comply with the council's Code of Conduct and other policies

#### **4. Limitations upon behaviour**

4.1 The distinct role of councillors and officers necessarily imposes limitations upon behaviour. By way of illustration, and not as an exclusive list:

- close personal relationships between councillors and officers can often confuse these separate roles and get in the way of the proper discharge of the Council's functions, not least by creating the perception in others that a particular councillor or officer may secure advantageous treatment
- the need to maintain the separate roles means that there are limits to the matters on which councillors may seek the advice of officers, both in relation to personal matters and party political issues
- relationships with particular individuals or party groups should not be such as to create public suspicion that an employee favours that councillor or group above others

#### **5. When things go wrong**

5.1 From time to time the relationship between councillors and officers may break down or become strained. Whilst it will always be preferable to resolve matters informally through conciliation, there are formal procedures if this is not possible.

5.2 An officer may have recourse to the council's formal grievance policy and/or reporting to the District Council's Monitoring Officer to raise a Code of Conduct complaint.

5.3 A councillor may have recourse to the council's formal disciplinary policy.

