



Budleigh Salterton Town Council

Code of Conduct

1 Purpose of The Code

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, Council officers and the reputation of local government

It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The Local Government Association encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

This Code of Conduct is based on the Model Code of Conduct produced by Local Government Association. The Local Government Association has also produced guidance on their Model Code of Conduct and regard should be had to that advice when considering the obligations and expectations of this Code. The guidance can be found [here](#), although it should be noted that the Model Code of Conduct has not been adopted in its entirety and there is some local variation.

2 Definitions

For the purposes of this Code of Conduct:

- a “*councillor*” means a member or co-opted member of Budleigh Salterton Town Council
- a “*co-opted member*” means a person who is not a member of Budleigh Salterton Town Council but who;
 - a) sits on any committee or sub-committee of the Council, or;
 - b) represents the Council on, any joint committee or joint sub- committee of the Council;
whether or not they are entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.
- a “*disclosable pecuniary interest*” means an interest of yours, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 of Appendix B.
- a “*meeting*” means any meeting of:
 - the Council;
 - any of the Council's Committees, Sub-Committees, joint Committees, or Joint Sub-committees;
 - one or more councillors, formal or informal and with or without officers, relating to the discharge of the Council's functions where a formal record is made by a Council officer
- a “*partner*” means a spouse or civil partner, or a person with whom you are living as if you are a married couple, or a person with whom you are living as if you are civil partners.
- 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 General Principles of Councillor Conduct

- 3.1 Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, 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.
- 3.2 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.
- 3.3 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 Council's requirements and in the public interest.

4 Application of the Code of Conduct

- 4.1 This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor or co-opted member.
- 4.2 This code of conduct applies to you when you are acting in your capacity as a councillor which may include when:
- you misuse your position as a councillor, or
 - your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;
- 4.3 The Code applies to all forms of communication and interaction, including:
- at face-to-face meetings
 - at online or telephone meetings
 - in written communication
 - in verbal communication
 - in non-verbal communication
 - in electronic and social media communication, posts, statements and comments.
- 4.4 You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.
- 4.5 Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct.

5 Standards of Councillor Conduct – Specific Obligations

5.1 Courtesy and Respect – as a councillor:

5.1.1 I treat other councillors and members of the public with courtesy and respect.

5.1.2 I treat Council employees, employees and representatives of partner organisations and those volunteering for the Council with courtesy and respect and respect for the role they play.

5.1.2.1 Respect 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 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 the public's expectations and confidence in councillors.

5.1.2.2 In return, 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 them to the Council, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and Council employees, where concerns should be raised in line with the Council's Member / Officer Protocol.

5.2 Bullying, harassment and discrimination - as a councillor:

5.2.1 I do not bully any person.

5.2.2 I do not harass any person.

5.2.3 I promote equalities and do not discriminate unlawfully against any person.

5.2.4 I do not do anything which may cause the Council to breach a statutory duty or any of the equality enactments (as defined in section 33 of the Equality Act 2010)

5.2.4.1 The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying 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, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

- 5.2.4.2 The Protection from Harassment Act 1997 defines harassment 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.
- 5.2.4.3 Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 5.2.4.4 The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the Council's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

5.3 Impartiality of officers of the Council – as a councillor:

5.3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the Council.

- 5.3.1.1 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. 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. However, 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.

5.4 Confidentiality and access to information – as a councillor:

5.4.1 I do not disclose information:

- a given to me in confidence by anyone**
- b acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i I have received the consent of a person authorised to give it;**
 - ii I am required by law to do so;**
 - iii 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**

- iv **the disclosure is:**
 - 1 **reasonable and in the public interest; and**
 - 2 **made in good faith and in compliance with the reasonable requirements of the Council; and**
 - 3 **I have consulted the Monitoring Officer prior to its release**

5.4.2 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.

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

5.4.3.1 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 it is required by law that discussions, documents and other information relating to or held by the Council must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5.5 Disrepute – as a councillor:

5.5.1 I do not bring my role or Council into disrepute.

5.5.1.1 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/or your Council and may lower the public's confidence in your or your Council's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your Council into disrepute.

5.5.1.2 You are able to hold the Council and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Council whilst continuing to adhere to other aspects of this Code of Conduct.

5.6 Use of position – as a councillor:

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

5.6.2 I will not act as agent for people pursuing planning matters within the Council's administrative area.

5.6.2.1 Your position as a member of the Council provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

5.7 Use of the Council's resources and facilities – as a councillor:

5.7.1 I do not misuse Council resources.

5.7.2 I will have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 or any similar Communications Protocol or Code produced by the Council;

5.7.3 I will, when using the resources of the Council or authorising their use by others:

- a act in accordance with the Council's requirements; and**
- b 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 the Council or of the office to which I have been elected or appointed.**

5.7.3.1 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
- equipment such as phones and computers
- transport
- access and use of Council buildings and rooms

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the Council's own policies regarding their use.

5.8 Complying with the Code of Conduct and the Council's codes and protocols – as a councillor:

5.8.1 I undertake Code of Conduct training provided by my Council.

5.8.2 I cooperate with any Code of Conduct investigation and/or decision.

5.8.3 I do not intimidate or attempt to intimidate any person who is likely to be a complainant, a witness or involved with the administration of any investigation or proceedings that any councillor has failed to comply with the Council's Code of Conduct.

5.8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

5.8.5 I will comply with the Codes and Protocols forming part of the Council's Constitution

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 the Council or its governance. If you do not understand or are concerned about the Council's processes in handling a complaint you should raise this with your Monitoring Officer.

6 Protecting your reputation and the reputation of the Council

6.1 Interests – as a councillor:

6.1.1 I register and disclose my interests in accordance with Appendix B.

- 6.1.1.1 Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the Council.
- 6.1.1.2 You need to register your interests so that the public, Council employees 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 seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.
- 6.1.1.3 You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.
- 6.1.1.4 **Appendix B** sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

6.2 Gifts and hospitality – as a councillor:

- 6.2.1 **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 the Council or from persons who may apply to the Council for any permission, licence or other significant advantage.**
- 6.2.2 **I register with the Monitoring Officer any individual gift or hospitality with an estimated value of at least £50 or number of gifts or hospitality from the same donor which individually are below the estimated value threshold but which cumulative result in an estimated value of at least £50 in any calendar year within 28 days of its receipt.**
- 6.2.3 **I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

6.2.4 I disclose the existence of any gift or hospitality where I am present at a meeting where the gift or hospitality received is relevant to the matter of business being discussed irrespective of whether it has been entered into the register in accordance with paragraph 6.2.2 above.

6.2.4.1 In order to protect your position and the reputation of the 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. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. 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, do contact your Monitoring Officer for guidance.