

# **Councillor Code of Conduct**

## **Purpose of Code of Conduct**

The purpose of this code is to set out the principles and associated standards of behaviour expected of Councillors when undertaking their public duties.

## **Background**

In 1994, the UK Government established the Committee on Standards in Public Life to advise on how it might improve the conduct of people in publicly funded roles and agreed to adopt its recommendation to establish “The Seven Principles of Public Life”, that subsequently became known as “The Nolan Principles”.

The Nolan Principles outline the standards of behaviour expected of those who work as a public office holder, including those who are either elected or appointed to a role.

All councils are legally required to have a Code of Conduct for their Councillors, which must be aligned to the Nolan Principles.

## **Definitions of terms used in this Code**

For the purposes of this Code of Conduct:

“Councillor” means a person who:

- is elected as a councillor; or
- is co-opted as a member of the Council, a “co-opted member”. (A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who a) is a member of any committee or sub-committee of the authority, or; b) is a member of, and represents the authority on, any joint committee or joint subcommittee of the authority; and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.); or
- is elected as mayor.

“Council” means Walsall Council.

## **The Nolan Principles**

The seven Nolan principles as defined are listed below.

### **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 disclose 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.

## **Application of the Code of Conduct**

This Code of Conduct applies:

- as soon as a Councillor signs a declaration of acceptance of the office of councillor or attend their first meeting as a co-opted member and continues to apply until they cease to be a Councillor.
- when acting in their capacity as a Councillor which may include when:
  - they misuse their position as a Councillor; or
  - their actions would give the impression to a reasonable member of the public with knowledge of all the facts that they were acting as a Councillor;
- 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 such behaviour for example could include rolling of the eyes disdainfully, or other aspects of body language that could be interpreted as being disrespectful
  - in electronic and social media communication, posts, statements and comments.

The Council's Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and should be contacted for advice on any matters that may relate to the Code of Conduct.

Allegations of a failure to comply with the Councillor Code of Conduct will be considered in accordance with the arrangements for dealing with such complaints as agreed by Council.

## **Standards of Councillor Conduct**

This section sets out the obligations, which are the minimum standards of conduct required of Councillors.

Councillors should behave in accordance with the Nolan principles by:

1.1 Using their position as a Councillor in the public interest and not for personal advantage, or disadvantage of someone else.

1.2 Dealing with all matters fairly, appropriately and impartially, and in accordance with the law and the Council's Constitution, policies and procedures.

1.3 Respecting the confidentiality of information which they receive as a Councillor, and not disclosing the same unless:

- i) They have received the consent of the person authorised to give it; or
- ii) Are required to do so by law; or
- iii) The disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agree not to disclose the information to any other person; or
- iv) The disclosure is a) reasonable and in the public interest; and b) made in good faith and in compliance with the reasonable requirements of the local authority.

1.4 Not obstructing or preventing anyone obtaining information to which they are entitled by law.

1.5 Complying with the Council's rules on the use of public resources for private and political purposes, and not acting in a manner that compromises or attempts to compromise the impartiality of anyone who works for, or on behalf of, the Council.

1.6 Not bullying any person.

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. This is the standard against which such behaviour will be judged.

1.7 Not harassing any person

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. This is the standard against which such behaviour will be judged.

1.8 Not unlawfully discriminating against any person

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. 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 local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services. This is the standard against which such behaviour will be judged.

1.9 Not conducting themselves in a manner as a Councillor that is likely to bring the Council into disrepute.

## **Complying with the Code of Conduct**

### **A: Declaration**

Councillors are required to declare they will:

- Undertake Code of Conduct training provided by the Council, and in addition will endeavour to attend a minimum of 12 hours training each municipal year. This includes mandatory training in respect of Licensing, Employment Appeal, and Planning matters which has to be undertaken prior to a Councillor sitting on the relevant committee.
- Cooperate fully with any Code of Conduct investigation and/or determination.
- Not intimidate or attempt to intimidate any person who is likely to be involved in any investigation or proceedings in relation to the application of the Code of Conduct.
- Comply with any sanction imposed following a finding that there has been a breach of the Code of Conduct.

### **B: Registration of Interests**

Councillors will register and disclose interests in accordance with legislative requirements and the requirements of this Code. The detailed requirements of registration and disclosure are set out in Appendix A of this Code.

### **C: Gifts and hospitality**

Councillors should exercise caution in accepting any gifts or hospitality which are (or which they reasonably believe to be) offered to them because they are a Councillor. However, there may be times when such a refusal may be difficult, or it may be seen as rude not to accept. It is also acknowledged that it is appropriate to accept normal expenses and hospitality associated with duties as a Councillor.

The presumption should always be not to accept "significant" gifts or hospitality. For the purposes of this Code of Conduct the Council has determined "significant" as £50.00 (fifty pounds).

Councillors should be particularly cautious about accepting multiple gifts or hospitality from the same individual or company even where such gifts or hospitality do not exceed the £50.00 limit.

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. If you are unsure, do contact your Monitoring Officer for guidance.

In complying with this Code of Conduct, Councillors:

- should 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 part of themselves 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; and

- must register, in accordance with guidance issued by the Monitoring Officer or her/his office, any single or gift or hospitality with an estimated value of £50 or more within 28 days of its receipt; and

- must register, in accordance with guidance issued by the Monitoring Officer or her/his office, any single or multiple gift or hospitality that have been offered but have been refused.

## APPENDIX A – REGISTRATION AND DISCLOSURE OF INTERESTS

### Register of Interests

1. Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of Councillors.
2. Within 28 days of election and re-election or appointment and re-appointment Councillors must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. Councillors should also register details of their other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.
3. Councillors must register their interests so that the public, Council employees and fellow Councillors know which 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 Councillors by allowing them to demonstrate openness and a willingness to be held accountable. Councillors are personally responsible for deciding whether or not to disclose an interest in a meeting, but it can be helpful for them 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 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.
4. Councillors 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.
5. **“Disclosable Pecuniary Interest”** means an interest of a Councillor, or of their partner if they are aware of their partner's interest, within the descriptions set out in Table 1 below.
6. **"Partner"** means a spouse or civil partner, or a person with whom the Councillor is living as husband or wife, or as a civil partner.
7. Councillors must ensure that their register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
8. 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.
9. Where a Councillor has a ‘sensitive interest’ she/he must notify the Monitoring Officer with the reasons why they believe it is a sensitive interest. If the Monitoring Officer agrees she/he will withhold the interest from the public register.

### Non-participation in case of disclosable pecuniary interest

10. Where a matter arises at a meeting which directly relates to a Disclosable Pecuniary Interests as set out in **Table 1**, Councillors must:

- disclose the interest; and
- not participate in any discussion or vote on the matter; and
- not remain in the room unless they have been granted a dispensation. Dispensation may be granted in limited circumstances, to enable Councillors to participate and vote on a matter in which they have a disclosable pecuniary interest.

Where there is a 'sensitive interest', Councillors must disclose they have an interest but should not disclose the nature of that interest.

11. Where a Councillor has a disclosable pecuniary interest on a matter to be considered or is being considered by them as a Cabinet member in exercise of their executive function, they must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

### **Disclosure of Other Registerable Interests**

12. Where a matter arises at a meeting which **directly relates** to an Other Registerable Interests (as set out in **Table 2**), Councillors must disclose the interest.

Councillors may speak on the that 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 they have been granted a dispensation.

Where there is a 'sensitive interest', Councillors must disclose they have an interest but should not disclose the nature of that interest.

### **Disclosure of Non-Registerable Interests**

13. Where a matter arises at a meeting which **directly relates** to a Councillor's financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, the Councillor must disclose the interest.

The Councillor may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise they must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

Where there is a 'sensitive interest', Councillors must disclose they have an interest but should not disclose the nature of that interest.

14. Where a matter arises at a meeting which **affects** –

- a: the financial interest or well-being of a Councillor; or
- b: a financial interest or well-being of a relative, or close associate of a Councillor; or
- c: a financial interest or well-being of a body included in those to be disclosed under Other Registrable Interests as set out in **Table 2; then** the Councillor must disclose the interest.

15. In order to determine whether a Councillor can remain in the meeting after disclosing an interest (as per paragraph 14 above) the following test will be applied by the Councillor,

who may seek advice from the Chair of the meeting, and/or any legal or democratic services officer present in the meeting.

a: to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision; and

b: a reasonable member of the public knowing all the facts would believe that it would affect the Councillor's view of the wider public interest, or be perceived as a conflict of interest; then

c: the Councillor may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise they must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

Where there is a 'sensitive interest', Councillors must disclose they have an interest but should not disclose the nature of that interest.

16. Where a Councillor has a personal interest in any business of the Council and has made an executive decision in relation to that business, he/she must make sure that any written statement of that decision records the existence and nature of that interest.

### **Disclosure of Interests at Overview and Scrutiny Meetings**

17. If a Councillor you is the Chair of an Overview and Scrutiny meeting they should not preside over the scrutiny of a relative. Section 28(10) Localism Act 2011 defines a relative as: a) a spouse or civil partner, b) someone they are living with as husband and wife or as if they were civil partners, c) a grandparent d) a lineal descendant of grandparent, e) a parent, sibling or child of a person within paragraph a) or b), f) the spouse or civil partner of a person within paragraph c),d),e), or g) living with a person within paragraph c), d), or e) as husband and wife or as if they were civil partners.

18. Scrutiny has a role to play in holding decision-makers accountable therefore if a Councillor was previously a Cabinet Member they should not scrutinise decisions that were taken when they were a part of the Cabinet. This means they should leave the room during the discussion of the item. This is particularly pertinent upon the initial changing of roles but, depending on the issue, can still have significance after a substantial period of time. A discussion with the Monitoring Officer should be sought if there is an item on an agenda that Councillors think they may have an interest in.