

UPTON & NORTH ELMSALL PARISH COUNCIL

COUNCILLOR CODE OF CONDUCT

1. Introduction

The role of councillor is a vital part of local democracy. Councillors are elected or co-opted to represent their community, take decisions in the public interest, and help ensure that the Council carries out its functions lawfully, fairly and transparently.

The public has the right to expect high standards of conduct from councillors. The conduct of individual councillors affects the reputation of the Council as a whole and public confidence in local government.

This Code of Conduct sets out the standards expected of all members and co-opted members of Upton & North Elmsall Parish Council. It is based on the Local Government Association Model Councillor Code of Conduct and has been adapted to reflect the Council's local governance arrangements.

This Code is intended to:

- support good governance and effective decision-making;
- protect the public, councillors, officers, volunteers and partner organisations;
- protect the reputation of the Council;
- support respectful working relationships;
- help councillors understand the standards expected of them; and
- set out the types of conduct that may lead to a complaint being made.

Councillors are reminded that the Council acts as a corporate body. No individual councillor, including the Chair, may make decisions on behalf of the Council unless authority has been formally delegated by law, resolution, Standing Orders, Financial Regulations, Terms of Reference, policy or another lawful delegation.

2. Definitions

For the purposes of this Code:

- "Councillor" means an elected or co-opted member of Upton & North Elmsall Parish Council.
- "Co-opted member" means a person who is not an elected member of the Council but who is a member of any committee or sub-committee of the Council and is entitled to vote on matters considered by that committee or sub-committee.
- "Council" means Upton & North Elmsall Parish Council.
- "Officer" means any employee, contractor, consultant or other person working for, or on behalf of, the Council.
- "Monitoring Officer" means the Monitoring Officer of Wakefield Metropolitan District Council, who has responsibility for standards matters affecting parish councils within the district.
- "Meeting" includes meetings of the Full Council, committees, sub-committees, working groups, site meetings, informal meetings, online meetings and any other meeting connected with Council business.

3. Purpose of the Code

The purpose of this Code is to assist councillors in modelling the behaviour expected of them and to set out the standards of conduct required when acting as a councillor.

The Code applies to conduct which may affect the Council, the public, fellow councillors, officers, partner organisations, volunteers or the reputation of local government.

It also provides a personal check and balance for councillors and helps ensure that councillors understand when their conduct may give rise to a complaint.

The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and in Upton & North Elmsall Parish Council.

4. The Seven Principles of Public Life

Councillors are expected to uphold the Seven Principles of Public Life, also known as the Nolan Principles.

4.1 Selflessness

Councillors should act solely in terms of the public interest.

4.2 Integrity

Councillors must avoid placing themselves under any obligation to people or organisations that might seek to influence them improperly. They must not act or take decisions in order to gain financial or other material benefits for themselves, their family, their friends or close associates. They must disclose and resolve any interests and relationships.

4.3 Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4.4 Accountability

Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

4.5 Openness

Councillors 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 doing so.

4.6 Honesty

Councillors should be truthful.

4.7 Leadership

Councillors should exhibit these principles in their own behaviour. They should actively promote and support the principles and be willing to challenge poor behaviour wherever it occurs.

5. General Principles of Councillor Conduct

In accordance with the public trust placed in me, I will:

- act with integrity and honesty;
- act lawfully;
- treat all persons fairly and with respect;
- lead by example;
- act in a way that secures public confidence in the role of councillor;
- exercise my responsibilities impartially and 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, in accordance with the Council's requirements and in the public interest.

6. Application of the Code

This Code applies to councillors as soon as they sign their Declaration of Acceptance of Office or attend their first meeting as a co-opted member.

It continues to apply until they cease to be a councillor or co-opted member.

This Code applies when a councillor is acting in their capacity as a councillor. This may include circumstances where:

- the councillor is acting, claiming to act, or giving the impression that they are acting as a councillor;
- the councillor is using or attempting to use their position as a councillor;
- the councillor is representing the Council on an outside body;
- the councillor is attending Council meetings, committee meetings, working groups, site meetings, events or functions;
- the councillor is communicating about Council business;
- the councillor is using Council resources or facilities; or
- a reasonable member of the public, with knowledge of the facts, would consider that the councillor was acting as a councillor.

The Code applies to all forms of communication and interaction, including:

- face-to-face meetings;
- online or telephone meetings;
- written communication;
- verbal communication;
- non-verbal communication;
- emails;
- letters;
- messages;
- social media posts, comments and statements;
- public statements;
- interactions with officers, councillors, members of the public, contractors, volunteers and partner organisations.

Councillors are expected to uphold high standards of conduct whenever they are acting as councillors.

7. Standards of Councillor Conduct

This section sets out the minimum standards of conduct required of councillors.

A complaint may be made where a councillor's conduct falls below these standards.

General Conduct

8. Respect

As a councillor:

8.1 I will treat other councillors, members of the public, officers, contractors, volunteers and representatives of partner organisations with respect.

8.2 I will respect the role that officers, contractors, volunteers and partner organisations play in supporting the work of the Council.

Respect means politeness and courtesy in behaviour, speech and written communication.

Councillors may express, challenge, criticise and disagree with views, ideas, opinions and policies. Robust debate is part of healthy local democracy. However, councillors must do so in a civil manner and must not subject individuals, groups or organisations to personal attack.

Councillors have the right to expect respectful behaviour from others. If a member of the public is abusive, intimidating or threatening, a councillor may end the conversation or interaction and report the matter to the Council, the relevant social media provider, the police or another appropriate body.

Concerns about the behaviour of fellow councillors may be raised under the Code of Conduct process. Concerns involving officers should be raised in accordance with the Council's policies and procedures.

9. Bullying, Harassment and Discrimination

As a councillor:

9.1 I will not bully any person.

9.2 I will not harass any person.

9.3 I will promote equality and will not unlawfully discriminate against any person.

Bullying may include offensive, intimidating, malicious, insulting or humiliating behaviour. It may involve an abuse or misuse of power and may undermine, humiliate, denigrate or injure the recipient.

Bullying can be a pattern of behaviour or a single incident. It can happen face-to-face, in meetings, on social media, by email, by telephone, by message or through other forms of communication.

Harassment may include conduct that causes alarm or distress or creates an intimidating, hostile, degrading, humiliating or offensive environment.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic under the Equality Act 2010.

Protected characteristics are:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Councillors have an important role in ensuring that equality, dignity and respect are reflected in the work of the Council.

10. Impartiality of Officers

As a councillor:

10.1 I will not compromise, or attempt to compromise, the impartiality or professional integrity of anyone who works for, or on behalf of, the Council.

Officers work for the Council as a whole. They do not work for individual councillors, political groups, informal groups, committees, the Chair or the Vice-Chair, unless this forms part of their properly authorised role.

Councillors may ask officers questions to understand advice, reports, recommendations or actions. However, councillors must not pressure, instruct, coerce or seek to influence officers to:

- change professional advice;
- alter a report or recommendation improperly;
- take action without proper authority;
- ignore Council policies or procedures;
- act outside their role;
- act in a way that undermines their neutrality or professional judgement.

Councillors must respect the Clerk's role as Proper Officer and the Responsible Financial Officer's statutory and professional responsibilities.

11. Confidentiality and Access to Information

As a councillor:

11.1 I will not disclose information:

- a) given to me in confidence by anyone; or
- b) acquired by me which I believe, or ought reasonably to be aware, is confidential or exempt information;

unless:

- a) I have received consent from a person authorised to give it;
- b) I am required by law to disclose it;
- c) the disclosure is made for the purpose of obtaining professional legal advice, provided the recipient agrees not to disclose the information further; or

- d) the disclosure is reasonable, in the public interest, made in good faith, complies with the Council's reasonable requirements, and I have consulted the Monitoring Officer before disclosure.

11.2 I will not improperly use knowledge gained as a result of my role as a councillor for the advancement of myself, my family, my friends, my employer, my business interests or any other private interest.

11.3 I will not prevent anyone from accessing information to which they are legally entitled.

The Council must work openly and transparently wherever possible. However, some information must be treated confidentially or lawfully withheld from publication. This may include:

- personal data;
- staffing matters;
- commercially sensitive information;
- legal advice;
- ongoing negotiations;
- contractual information;
- safeguarding information;
- information relating to complaints or investigations;
- information considered in private session.

Councillors must take particular care with confidential agenda papers, draft documents, legal advice, staffing matters and information discussed during private or confidential business.

12. Disrepute

As a councillor:

12.1 I will not bring my role or the Council into disrepute.

Councillors are trusted to make decisions on behalf of their community. Their actions and behaviour are subject to greater public scrutiny than those of ordinary members of the public.

A councillor's conduct may bring their role or the Council into disrepute if it lowers public confidence in the councillor, the Council or local government generally.

This does not prevent councillors from constructively challenging decisions, processes or policies. Councillors may hold the Council and fellow councillors to account, provided they continue to comply with this Code.

13. Use of Position

As a councillor:

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

Councillors must not use their position to seek special treatment, private advantage, personal gain or unfair disadvantage for another person.

Councillors must not give the impression that they can secure a particular outcome where the matter must properly be decided by the Council, a committee, an officer with delegated authority or another public body.

Councillors must not act as though they have authority to make decisions, authorise expenditure, instruct staff, approve works, dispose of Council property, permit use of Council land or facilities, or speak on behalf of the Council unless they have been properly authorised to do so.

14. Use of Council Resources and Facilities

As a councillor:

14.1 I will not misuse Council resources.

14.2 When using Council resources, or authorising their use by others, I will:

- a. act in accordance with the Council's requirements;
- b. ensure that resources are used only for proper Council purposes;
- c. ensure that resources are not used for personal, business, commercial or political purposes unless expressly permitted by law and Council policy; and
- d. ensure that resources are used prudently and in the public interest.

Council resources and facilities may include:

- land;
- buildings;
- rooms;
- keys;
- equipment;
- tools;
- furniture;
- stationery;
- IT equipment;
- email accounts;
- social media pages;
- staff time;
- vehicles;
- financial resources;
- documents and records;
- access to Council premises.

Councillors must not use Council land, buildings, equipment, facilities, materials or staff support for personal, private, business, commercial or political purposes unless this has been properly authorised by the Council.

15. Complying with the Code of Conduct

As a councillor:

15.1 I will undertake Code of Conduct training provided or arranged by the Council.

15.2 I will cooperate with any Code of Conduct assessment, investigation or determination.

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15.3 I will not intimidate, attempt to intimidate, pressure or seek to influence any person who is involved, or likely to be involved, in a Code of Conduct complaint, assessment, investigation or hearing.

15.4 I will comply with any sanction, recommendation, resolution or action imposed following a finding that I have breached the Code.

Councillors must not make trivial, malicious, politically motivated or vexatious allegations against other councillors, officers or members of the public.

If a councillor is unsure about the Code or the complaints process, they should seek advice from the Clerk or the Monitoring Officer.

Interests

16. Registration of Interests

As a councillor:

16.1 I will register and disclose my interests as required by law and this Code.

Councillors must register their interests with the Monitoring Officer within 28 days of becoming a councillor or being re-elected or re-appointed.

Councillors must also notify the Monitoring Officer of any change to their registered interests within 28 days of becoming aware of the change.

The register of interests helps ensure openness and transparency. It also helps councillors, officers and the public identify where a councillor may have a conflict of interest.

Councillors are personally responsible for deciding whether they have an interest to declare. If in doubt, councillors should seek advice from the Clerk or Monitoring Officer before the meeting.

Failure to register or disclose a Disclosable Pecuniary Interest can be a criminal offence.

17. Disclosable Pecuniary Interests

A Disclosable Pecuniary Interest includes interests of the councillor or, where the councillor is aware of them, the interests of their spouse, civil partner or a person with whom they are living as spouse or civil partner.

Disclosable Pecuniary Interests include:

- employment, office, trade, profession or vocation carried on for profit or gain;
- sponsorship;
- contracts with the Council;
- beneficial interests in land within the Council's area;
- licences to occupy land in the Council's area for one month or longer;
- corporate tenancies where the Council is landlord;
- certain interests in securities.

Where a matter arises at a meeting which directly relates to one of a councillor's Disclosable Pecuniary Interests, the councillor must:

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- disclose the interest;
- not participate in any discussion;
- not vote on the matter;
- leave the room unless they have been granted a dispensation.

Where the interest is sensitive, the councillor does not have to disclose the nature of the interest, only that they have an interest.

18. Other Registerable Interests

Councillors must also register other interests where they relate to, or are likely to affect, the business of the Council.

This includes bodies:

- a. of which the councillor is in general control or management and to which they are nominated or appointed by the Council; or
- b. of which the councillor is in general control or management and which:
 - exercise functions of a public nature;
 - are directed to charitable purposes; or
 - have as one of their principal purposes the influence of public opinion or policy, including any political party or trade union.

Where a matter arises at a meeting which directly relates to one of a councillor's Other Registerable Interests, the councillor must disclose the interest.

The councillor may speak on the matter only if members of the public are also allowed to speak. Otherwise, the councillor must not take part in the discussion, must not vote and must leave the room unless they have been granted a dispensation.

19. Non-Registerable Interests

A councillor may also have a Non-Registerable Interest where a matter directly relates to, or affects:

- the councillor's own financial interest or wellbeing;
- the financial interest or wellbeing of a relative, friend or close associate; or
- the financial interest or wellbeing of a body connected to the councillor.

Where a matter directly relates to such an interest, the councillor must disclose the interest.

The councillor may speak on the matter only if members of the public are also allowed to speak. Otherwise, the councillor must not take part in the discussion, must not vote and must leave the room unless they have been granted a dispensation.

Where a matter affects the councillor's financial interest or wellbeing, or that of a relative, friend, close associate or relevant body, the councillor must consider whether:

- a. the matter affects them to a greater extent than it affects the majority of people in the Council's area; 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.

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If both parts of this test are met, the councillor must disclose the interest and must not take part in the discussion or vote, unless they have been granted a dispensation.

20. Sensitive Interests

A sensitive interest is an interest which, if disclosed, could lead to the councillor or a person connected with the councillor being subject to violence or intimidation.

If a councillor considers that an interest is sensitive, they must notify the Monitoring Officer and explain why they believe it should be treated as sensitive.

If the Monitoring Officer agrees, the interest will be withheld from the public register.

Where a sensitive interest must be declared at a meeting, the councillor does not have to disclose the nature of the interest, only that they have an interest.

21. Dispensations

A councillor may request a dispensation to allow them to participate in discussion or voting where they would otherwise be prevented from doing so because of an interest.

Requests for dispensations must be made in accordance with the Council's adopted procedures and legal requirements.

A dispensation may only be granted where the legal requirements are met.

Gifts and Hospitality

22. Gifts and Hospitality

As a councillor:

22.1 I will not accept gifts or hospitality which could give rise to real or substantive personal gain, or a reasonable suspicion that I may be influenced to show favour.

22.2 I will register with the Monitoring Officer any gift or hospitality with an estimated value of £50 or more within 28 days of receipt.

22.3 I will register with the Monitoring Officer any significant gift or hospitality that I have been offered but refused.

Councillors should be cautious about accepting gifts or hospitality connected with their role as councillor.

The presumption should be that significant gifts or hospitality are not accepted.

Councillors do not need to register gifts or hospitality unrelated to their role as councillor, such as personal gifts from family or friends.

Councillors may accept reasonable hospitality or expenses associated with their role, provided this does not create a conflict of interest or perception of improper influence.

If in doubt, councillors should seek advice from the Clerk or Monitoring Officer.

Local Expectations of Councillors

23. Acting Through Proper Council Processes

Councillors must recognise that the Council acts collectively.

Individual councillors must not do any of the following unless they have been properly authorised to do so:

- make decisions on behalf of the Council;
- commit the Council to expenditure;
- instruct officers, contractors or volunteers;
- authorise works;
- approve use of Council land, buildings, equipment or facilities;
- dispose of Council property;
- make representations on behalf of the Council;
- issue public statements on behalf of the Council.

Informal conversations, working groups, site visits, verbal comments and individual views do not constitute Council decisions.

Council decisions must be made by resolution, proper delegation or lawful authority.

24. Councillor and Officer Relationships

Councillors and officers must work together professionally, respectfully and constructively.

Councillors must:

- respect the Clerk's role as Proper Officer;
- respect the Responsible Financial Officer's financial responsibilities;
- respect officer impartiality;
- raise concerns through proper procedures;
- avoid personal criticism of officers in public;
- avoid repeated, excessive or unreasonable demands on officer time;
- not seek to manage or supervise staff unless authorised to do so;
- not involve themselves in operational staffing matters unless this forms part of their properly delegated role.

Officers are accountable to the Council through the Council's management arrangements. They are not accountable to individual councillors.

25. Communication and Social Media

Councillors must take care when communicating about Council business.

Councillors must not give the impression that they are speaking on behalf of the Council unless authorised to do so.

When using email, social media, messaging platforms or public forums, councillors must:

- be accurate;
- be respectful;
- avoid personal attacks;

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- avoid disclosing confidential information;
- avoid bringing the Council into disrepute;
- distinguish personal views from official Council decisions;
- comply with the Council's Social Media and Communications Policy.

Councillors may share official Council posts and information, but must not alter the meaning or present personal comments as Council statements.

26. Confidential and Private Business

Councillors must treat private, confidential and exempt information appropriately.

This includes, but is not limited to:

- staffing matters;
- complaints;
- legal advice;
- contractual negotiations;
- commercially sensitive information;
- personal data;
- information relating to vulnerable individuals;
- draft reports or minutes not yet approved for publication;
- matters considered in private session.

Councillors must not share confidential information with members of the public, community groups, contractors, family members, friends, other councillors who are not entitled to receive it, or any other third party unless authorised to do so.

27. Use of Council Land, Buildings and Equipment

Council land, buildings, facilities, equipment and materials are held for Council purposes.

Councillors must not use, permit the use of, or give the impression that they can authorise the use of Council property for personal, private, commercial, political or unauthorised purposes.

Any request to use Council land, buildings, facilities, equipment or materials must be considered in accordance with Council policy, delegation or resolution.

28. Training and Development

Councillors are expected to undertake training appropriate to their role.

This may include:

- Code of Conduct training;
- data protection training;
- planning training;
- finance training;
- safeguarding training;
- health and safety training;
- chairing skills;
- committee-specific training.

The Council may require councillors to undertake particular training where it considers this necessary for good governance, legal compliance or effective decision-making.

29. Raising Concerns

Councillors have a responsibility to raise genuine concerns about conduct, governance, risk, finance, safety or compliance.

Concerns should be raised in a proper, proportionate and constructive manner.

Councillors should normally raise concerns with the Clerk, Chair, Vice-Chair, relevant committee, Full Council or Monitoring Officer, depending on the nature of the issue.

Councillors must not use concerns as a means of bullying, intimidating, undermining or targeting officers, councillors or members of the public.

Complaints and Breaches

30. Complaints About Councillor Conduct

Complaints that a councillor has breached this Code are dealt with by the Monitoring Officer of Wakefield Metropolitan District Council.

The Council itself does not determine formal Code of Conduct complaints.

Anyone wishing to make a complaint about councillor conduct should be directed to the Monitoring Officer's published complaints process.

The Clerk may provide procedural information but cannot determine whether a councillor has breached the Code.

31. Informal Resolution

Where appropriate, concerns may be resolved informally before a formal complaint is made.

Informal resolution may include:

- clarification;
- apology;
- mediation;
- training;
- advice from the Clerk or Monitoring Officer;
- agreement about future conduct;
- referral to the Chair or relevant committee where appropriate.

Informal resolution will not be suitable in all cases, particularly where the matter is serious, repeated, involves bullying or harassment, or raises significant governance concerns.

32. Sanctions and Actions

Where a breach of the Code is found, any action or sanction will depend on the powers available through the standards process and the circumstances of the case.

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Possible actions may include:

- an apology;
- training;
- mediation;
- removal from committees or outside body appointments, where lawful and appropriate;
- censure;
- publication of findings;
- restriction of access to Council resources, where lawful and proportionate;
- other actions recommended by the Monitoring Officer.

Councillors are expected to comply with any action, sanction or recommendation arising from the Code of Conduct process.

Review and Publication

33. Review

This Code will be reviewed annually, or sooner if required by changes in legislation, national guidance, Monitoring Officer advice or Council requirements.

The Council may also review this Code where experience suggests that clarification or amendment is required.

34. Publication

This Code will be published on the Council's website.

A copy will be provided to all councillors following election or co-option.

Councillors are expected to familiarise themselves with this Code and seek advice where they are unsure how it applies.