

# Code of Conduct

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# Introduction

Welcome to the Code of Conduct training from East Riding of Yorkshire Council

This training session is intended to provide Town and Parish Councillors with an introduction to the Code of Conduct

We have tried to provide real life examples to bring the provisions of the Code to life

We have also put top tips in the training which are marked with a



# Background

## Localism Act 2011

- Each Council to draft a Code
- Consistent with the following principles –
  - Selflessness
  - Integrity
  - Objectivity
  - Accountability
  - Openness
  - Honesty
  - Leadership
- Town and Parish Councils can adopt the Code of their principal Council
- Must include provision for the registration and disclosure of pecuniary interests and interests other than pecuniary interests.

# Background

- The East Riding of Yorkshire Council Code of Conduct has been used as the basis for the training as this is the version of the Code adopted by many Councils in the area.
- There are some variations on this Code within the area but all contain the main elements of the registration and declaration of interests and standards of behaviour.
- This training session will cover –
  - Registration and Declaration of Interests
  - Standards of Behaviour
  - Social Media

# Registration and Declaration of Interests

You are required to....

Register

and

Declare



All pecuniary and non pecuniary interests

# Registration of Interests

You must register interests within 28 days

Of becoming a Councillor

Or

Of a new interest arising



Clerk to the Council will provide you with the register of interests form



Put a reminder in your diary every three months to check your register of interests is up to date.

# Acceptance of Office

Do not confuse the registration of interests with your acceptance office.

You have to complete an acceptance of office when you become a Councillor

This has to be made before the proper officer of the Council ( this will usually be your clerk ) or a member of the Council and delivered to the Council

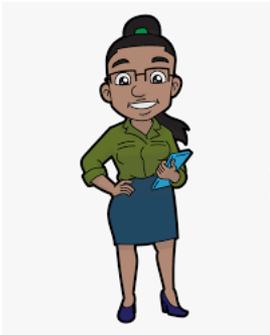
This will usually be done at the first Council meeting you attend



# Pecuniary Interests

Interests of .....

Yourself   Spouse   Civil Partner



Person you are living with as Husband / Wife / Civil Partner



# Pecuniary Interests

## PECUNIARY

Adjective

Relating to or consisting of money



# Pecuniary Interests

Employment, office, trade , profession or vocation carried on for profit or gain.

Something you ( or your Husband / Wife / Civil Partner ) is paid to do

Your Spouse is a teacher



Your civil partner  
is a library assistant



You are a farmer



# Pecuniary Interests

Payment made within the **relevant period** towards election expenses or carrying out duties as a Member

**Relevant period** - the period of 12 months ending with the day on which you gave notification for the purposes of section 30(1) ( declaration of pecuniary interests on taking office ) or section 31(7) ( declaration of pecuniary interests not declared upon taking office ) as the case may be, of the Act

Elected Thursday 2<sup>nd</sup> May 2019

Made declaration of interests 9<sup>th</sup> May 2019

**Relevant period** 9<sup>th</sup> May 2018 – 9<sup>th</sup> May 2019

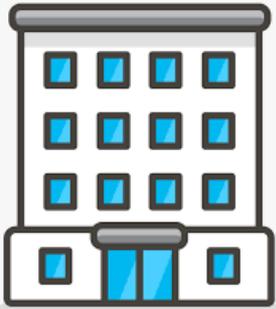


# Pecuniary Interests

Contract between yourself ( husband / wife / civil partner) or body in which you/they have an interest and the Council which has not been fully discharged



So if your husband has a contract with the Council to cut the grass



Or your civil partner's building firm is carrying out work for the Council

# Pecuniary Interests

Beneficial interest in land within the area of the authority  
This will usually be the home  
of yourself ( husband/ wife / civil partner )



Any other land you/ they own in the area of your  
authority –



Put the address of the property in your register of interests rather  
than ‘ our family home ‘.

# Pecuniary Interests

License to occupy land for a month or longer

This could again be a property leased by yourself ( husband/ wife / civil partner )



Tenancy where the landlord is the Council and the tenant is you or a body in which you have a beneficial interest

A good example may be an allotment rented  
From your Council  
by you or them –



# Pecuniary Interests

Beneficial interest in securities in a body where that body has a place of business or land in the area of the authority

Any business that operates in the area –

Coffee Shop run by you

Estate Agent run by your civil partner



Accountancy Firm run by your wife



# Pecuniary Interests

You have a Pecuniary Interest in a matter where it effects an interest you have registered as a pecuniary interest –

- Application for planning permission in relation to the coffee shop run by you
- Your wife's accountancy firm bid to audit the accounts of the parish council
- The parish council is setting the rents for allotments and you rent an allotment from the parish council
- The Council is letting the contract for grass cutting and your husband undertakes grass cutting for the council
- Your civil partner's firm have been employed by the Council to carry out works to the village hall and the Council is considering holding back payments.



# Pecuniary Interests

If you have a Pecuniary Interest in a matter you –

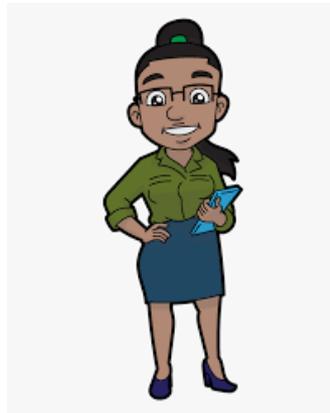
- Must declare the existence of and nature of your interest
- Must not speak on the item
- Must not vote on the item
- Your Code of Conduct may require you to go into the public gallery or leave the room while the item is being discussed



# Non-Pecuniary Interests

These are interests of .....

Yourself

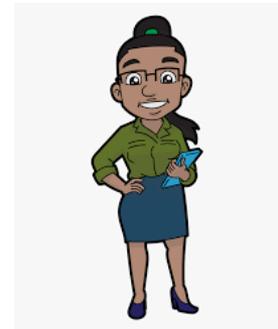


# Non-Pecuniary Interests

Bodies to which you are appointed or nominated by the authority ( outside body appointments ) –

- Village Hall Committee
- Playing Field Committee
- Internal Drainage Boards
- Arts Centres

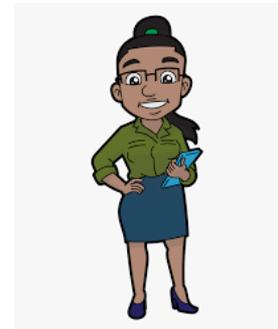
If you have been appointed to these bodies by the Parish Council



# Non-Pecuniary Interests

Bodies exercising functions of a public nature of which you are a member

- Another Parish Council
- District Council ( if you are twin hatted )
- School Governing Body

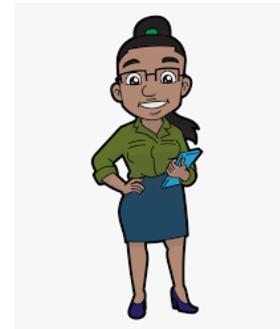


# Non-Pecuniary Interests

Bodies directed to charitable purposes of which you are a member

- Masons
- Parochial Church Council
- Lions
- Village Hall Committee

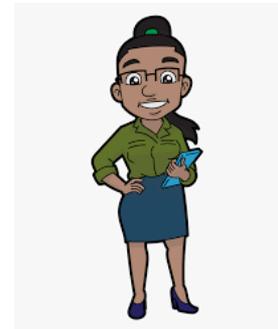
Any body directed to charitable purposes not just bodies registered with the Charity Commission



# Non-Pecuniary Interests

Bodies whose principle purposes include the influencing of public opinion or policy of which you are a member ( political parties )

- Political Party
- Trades Union
- RSPB
- RSPCA
- NSPCC



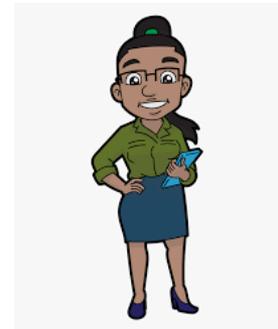
If you stood as a party candidate you need to register membership of the party here

# Non-Pecuniary Interests

Voluntary work undertaken by you –

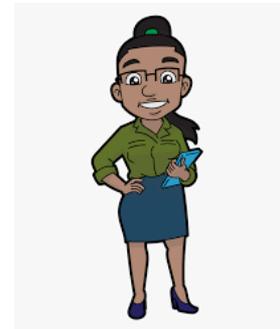
- Work in a charity shop
- Work in a foodbank
- Work on a parish newsletter
- Volunteer guide in cathedral

Any work you undertake which you are not paid to undertake



# Non-Pecuniary Interests

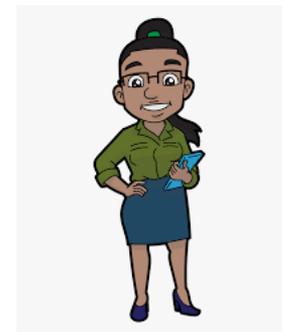
Any role as a trustee



# Non-Pecuniary Interests

You have a Non Pecuniary interest in a matter where -

- I. It is likely to affect any of the bodies you have registered as a non pecuniary interest
- II. It is likely to effect any person or body from whom you have within the last six years and in your capacity as a Member accepted an offer of gifts or hospitality with a value of £25.00 or more.
- III. The decision in relation to that business might reasonably be regarded as affecting your **well being** or **financial position** or the **well being** or **financial position** of a **relevant person** to a greater extent than the majority of other Council tax payers or inhabitants of the parish affected by the decision.



# Non-Pecuniary Interests

You have a Non Pecuniary interest in a matter where -

It is likely to affect any of the bodies you have registered as a non pecuniary interest –

- The village hall committee applies to the Council for funding and you are a member of the village hall committee
- The foodbank you volunteer for has applied to the Council for a donation
- The school have applied for planning permission for an extension and you sit on the governing body of the school
- The parish council lease premises to the arts centre and the parish are considering a rent review in relation to the arts centre



# Non-Pecuniary Interests

You have a Non Pecuniary interest in a matter where -

It is likely to effect any person or body from whom you have within the last six years and in your capacity as a Member accepted an offer of gifts or hospitality with a value of £25.00 or more.

If you have been taken out to lunch by representatives of an accountancy firm and that firm then bids to audit the accounts of the parish council

# Non-Pecuniary Interests

You have a Non Pecuniary interest in a matter where -

The decision in relation to that business might reasonably be regarded as affecting your **well being** or **financial position** or the **well being** or **financial position** of a **relevant person** to a greater extent than the majority of other Council tax payers or inhabitants of the parish affected by the decision.

**Affecting well being** – Anything that has an effect positive or negative on a persons sense of happiness

- Planning Application they feel strongly about
- Any matter they have campaigned on
- Any cause that is close to their heart

# Relevant Person

A relevant person is –

A **Member of your Family** which is –

Spouse Civil Partner

Any person with whom you are living as a spouse or civil partner



Parent

Grandparent

Child

Grandchild

Sibling



# Relevant Person

A relevant person is –

**Any person with whom you have a close association –**

A friend



Or an enemy



This does not mean everyone on the parish council.

If the only time you see another person is at a meeting of the parish council you do not have a close association.

If you socialise with them outside of the council they are a person with whom you have a close association

Also if you have a personal animosity towards another councillor they are a person with whom you have a close association.

# Relevant Person

A relevant person is –

Any **person** or **body** who **employs** or who has **appointed**  
**A member of your family** or **person with whom you have a close association**

Any **firm** of which they are a **partner**

Any **Company** of which they are a **Director**

Grandson



Works for



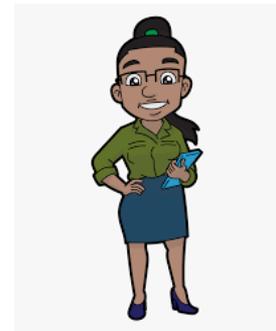
Web Design Firm



You have



An Interest



# Non-Pecuniary Interests

Council setting  
Allotment Rents



Application to build a  
Windfarm



Parents  
Rent



Close to

An  
Allotment



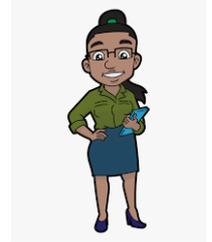
Your  
Brother's  
House

You  
Have

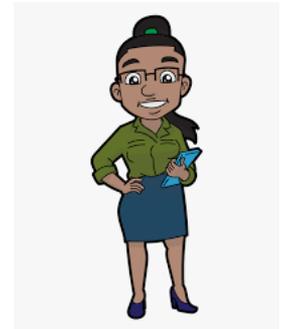


You have

An Interest



An Interest



# Declaration of Interests

You must declare an interest

At the beginning of a meeting

Or

During the meeting when it

Becomes clear that you have an interest

Chair of the meeting will usually ask for declarations of interest at the beginning of the meeting.



If you are not sure if you have an interest ask your Clerk for advice

# Declaration of Interests

If you have a Pecuniary Interest in a matter you –

- Must declare the existence of and nature of your interest
- Must not speak on the item
- Must not vote on the item
- Your Code of Conduct may require you to go into the public gallery or leave the room while the item is being discussed



If you have a Non Pecuniary Interest in a matter you –

- Must declare the existence of and nature of your interest
- May speak on the item
- May vote on the item

The minutes should record what type of interest was declared the reason the interest arises and what action the Councillor took



# Declaration of Interests

The requirement to declare interests applies even in situations where you are addressing the Council as a member of the public or you attending a committee of your Council which you are not a member of.



So you cannot address your Council in relation to a planning application you have made at the public participation session as a member of the public.

If your Council has committees and you attend as an observer you would have to declare any interests and take appropriate action i.e. leave the room or retire to the public gallery if you have a pecuniary interest in a matter.

# Sensitive Interests

The requirement to enter an interest on a public register and declare an interest does not apply to a sensitive interest

A sensitive interest is an interest the disclosure of which could lead to you or a person connected with you being subject to violence or intimidation.

An example may be if you work in an animal testing laboratory

If you consider you have a sensitive interest you need the approval of the Monitoring Officer for the interest to be treated as a sensitive interest.

Email [standards@eastriding.gov.uk](mailto:standards@eastriding.gov.uk) with the interest and the reason you want it to be treated as sensitive

The register will state you have an interest the details of which are withheld under section 32(2) of the Localism Act 2011

When declaring the interest you state you have an interest the detail of which you cannot disclose as it is a sensitive interest.

# Dispensations

Member with a pecuniary interest in a matter may obtain a dispensation allowing them to participate in the debate / vote on the matter

Dispensation can be granted by the proper officer ( usually the clerk )

Grounds -

- Without the dispensation the number of persons prohibited from participating in the matter would be so great as to impede the transaction of the business.,
- Without the dispensation the representation of different political groups would be so upset as to alter the likely outcome of any vote.
- Granting the dispensation is in the interests of persons living in the authority's area,
- It is otherwise appropriate to grant a dispensation.

# Bias/Predetermination

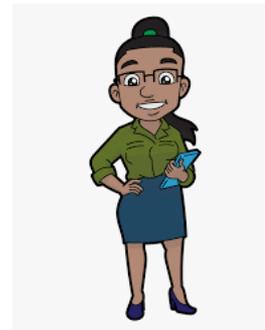
You are entitled to be **predisposed** on a matter.

You cannot show **bias or predetermination** and close your mind to any other possibility beyond that predisposition.

It is always advisable to avoid giving the impression that you have made up your mind prior to the decision making meeting



I'm not sure we should be building new houses on Main Street



I've submitted a strong objection to the application on Main Street in my private capacity

# Official Capacity

The provisions of the Code of Conduct apply when you are acting in your official capacity i.e. you are acting as a Councillor

Sometimes obvious when you **are** acting as a Councillor –

- When you are in a Council meeting
- When you are communicating with a resident about Council business

Sometimes obvious when you **are not** acting as a Councillor –

- When you go to the cinema with your family
- When you are walking your dog

There are grey areas -

- Just before / after a Council meeting
- On social media if you mix personal and council business in posts



Make it clear in what capacity you are acting i.e. don't refer to yourself as 'Councillor' if you are dealing with a private matter

# Respect

You must treat others with respect.

May disagree with ideas, arguments, policies and opinions publically – robust debate is acceptable there is a certain amount of ‘ rough and tumble ‘ that is acceptable between Councillors.

This must not include personal attacks.

Play the ball not the player.

Need to be especially careful with interactions with clerk or members of the public ‘ rough and tumble ‘ does not apply to them.



# Respect

Failure to treat persons with respect can apply to communities. Such as a blog written by a Councillor –

*The exploding population of illegal immigrants is a constant on the public purse. Illegal immigrants don't pay tax. The legitimate immigrants exploiting them in the squalid bed sheds don't pay tax on their rental income. If these sorts of people exploit the desperate what other scams are they perpetrating I ask?*

It can apply to individuals such as a Councillor writing about a Council employee questioning the employee's competence and making a number of comments of a disparaging and personal nature about the employee and his associates.

# Bullying / Harassment

You must not bully or harass any person and you must not intimidate any person who is involved in any complaint about any alleged breach of this Code of Conduct

**Bullying** is offensive, intimidating, malicious or insulting behaviour; an abuse of power or authority in a way that intends to undermine, humiliate, unfairly criticise or injure someone.

**Harassment** is unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

# Bullying – Examples

- Spreading malicious rumours or insulting someone by word or behaviour
- Copying memos that are critical about someone to others who do not need to know
- Ridiculing or demeaning someone, picking on them, or setting them up to fail
- Exclusion or victimisation
- Unfair treatment
- Unwelcome sexual advances
- Making threats or comments about job security without foundation
- Deliberately undermining a competent worker by overloading and constant criticism
- Preventing individuals progressing by intentionally blocking promotion or training opportunities

# Bullying / Harassment

Some examples of actions that have found to be bullying –

- Councillor stating ‘ I hope you are under a tree when the chainsaws come ‘ in a social media post
- Referring to officers as idiots and stating that they would be sacked
- Making a throat cutting gesture towards another Councillor in a meeting
- Stating to a parish clerk ‘ you do not know what you are talking about ‘
- Questioning a parish clerk’s honesty
- Banging the table and shouting at an officer
- Sending aggressive and insulting emails to parish clerk
- Insulting parish clerk in social media posts

# Bringing Authority / Office into Disrepute

You must not conduct yourself in a manner that could reasonably be regarded as bringing your office or authority into disrepute.

This is often found alongside findings that a Councillor has breached other provisions of the Code

Examples include –

- A Councillor swearing in council meetings
- A Councillor alleging unlawful activity , nepotism and backhanders at a Council
- Councillor allowing Council workmen to decorate his property in the mistaken belief that it was a Council property

# Consider Yourself

In 'To a Louse' Robert Burns wrote –

*O wad some Pow'r the giftie gie us  
To see oursels as ithers see us!*



When communicating with your fellow councillors , clerk and residents –

- Take account of feedback – we are not always the best judge of how we present to other people – if people tell you that your manner is bullying maybe it is.
- Take account of the feelings of others – one person may take your approach as ' bluff' another as ' bullying' take this into account
- Take account of every aspect of your demeanour when you are making your point , tone of voice , body language etc.

# Confidential Information

You must not disclose information given to you in confidence by anyone or information acquired by you which you believe, or ought to be aware, is of a confidential nature, except where:-

- (1) You have the consent of the person authorised to give it
- (2) You are required by law to do so;
- (3) 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
- (4) The disclosure is:-
  - (a) Reasonable in the public interest; and
  - (b) Made in good faith and in compliance with the reasonable requirements of the authority; and
  - (c) You have consulted the Monitoring Officer prior to its release;

# Confidential Information

This will usually be information provided to you when the press and public are excluded from a meeting.

Could be information such as –

- Information regarding the recruitment , terms or service , conduct and dismissal of council employees
- Terms of tenders
- Contract negotiations
- Preparations for any legal proceedings
- The early stage of any dispute



Information does not have to be marked ‘ confidential ‘ in order to be confidential. If you are not sure speak to your Clerk.

# Access to Information

You must not prevent another person from gaining access to information to which that person is entitled by law.

Freedom of Information Act – public right of access to recorded information held by public bodies including Town and Parish Councils.

General Data Protection Regulation / Data Protection Act 2018 – individuals have the right to access to information about themselves held by public bodies including Town and Parish Councils

Both regimes overseen by the Information Commissioners Office ( I.C.O)

# Improperly confer or secure an advantage

You must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person an advantage or disadvantage.

Clearly connected to the requirement to register and declare interests and not predetermine a matter. A Councillor who has an interest in a matter or has already lobbied for a particular outcome but does not declare it could be found to have attempted to use their position to improperly secure an advantage or a disadvantage.

# Use of Authority Resources

When using or authorising the use by others of the resources of the authority you must:-

- (1) Act in accordance with the authority's reasonable requirements.
- (2) Ensure that such resources are not used improperly for political purposes (including party political purposes)
- (3) Have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

# Investigations

You must comply with any formal investigation into allegations that you may have breached any of the provisions of this Code of Conduct.

You must not make any trivial or malicious complaint against any other Member alleging a breach of any of the provisions of this Code of Conduct.



# Social Media

“All of humanity’s problems stem from man’s inability to sit quietly in a room alone.”

( Blaise Pascal )



If an online discussion (regardless of topic or scope) goes on long enough, sooner or later someone will compare someone or something to Adolf Hitler or his deeds.

( Godwin’s Law )



# Social Media

The first question that will be looked at to decide whether posts are being made in your official capacity.

The following matters will be considered -

- Title of site i.e. a site with the title ‘ Councillor Bloggs ‘
- Use of ‘Councillor’ prefix i.e. use of Councillor prefix on posts
- Discussion of Council business

You should not create confusion in the minds of the public as to whether or not you are acting in your official capacity so do not mix up personal and official business on a social media account.



If you are going to use Social Media set up a separate ‘ Councillor ‘ account.

# Social Media

Do not use social media to be rude or disrespectful

You should

- Avoid comments that could be regarded as racist , sexist , homophobic or anti faith
- Have respect for other's privacy
- Close down conversations that are becoming heated
- Be clear as to your status

You should not

- Make personal attacks
- Bully or intimidate others
- Make repeated negative comments to or about individuals

Don't post in haste. Sometimes it is better to put something in draft and reconsider it later on.



# Social Media

- Don't say anything to / about anyone on social media that you would not be prepared to say to their face
- Remember that content that is posted online can be copied and once it is copied it is out of your hands – One click and you're forever getting kicked !
- If you are running a blog remember you are responsible for content that third parties post on the blog so you need to ensure you moderate it to remove offensive content.
- If you are running a group social media site make it clear what the rules of the site are so if you have to remove posts it is clear why you have done so
- Be clear as to the privacy settings you have applied to personal accounts



You cannot win every argument it is better to close down a discussion before it gets out of hand. Sometimes you have to - ‘ Let it Go ‘

# Future Developments

- Committee on Standards in Public Life – Local Government Ethical Standards
- New model Code of Conduct from LGA was issued last week.
- Councillors should be presumed to be acting in an official capacity in their public statements including statements on publically accessible social media. Legislation should be amended to permit local authorities to presume so.
- Parish Councils should take corporate responsibility when allegations of a Councillor bullying an employee are received.



# Three Point Guide

If there is nothing else you take away from this training try to remember this three point guide that should keep you on the right side of the line –

- ✓ **Register Interests**
- ✓ **Declare Interests**
- ✓ **Be Polite**

# Questions ?

