

Councillors Code of Conduct

Parish Clerk | Email: clerk@kepc.info

1. Introduction

The Council has a duty to promote and maintain high standards of conduct by members and co-opted members of the Council, and formally adopt a code of conduct, in accordance with the Localism Act 2011.

2. Conduct of Councillors relating to Kidmore End Parish Council Meetings:

2.1 It is your responsibility as a Councillor that you prepare adequately and appropriately in advance of each meeting. This includes raising questions prior to attending any meetings of Kidmore End Parish Council.

2.2 It is the objective of Kidmore End Parish Council to run its meetings efficiently and to serve a purpose.

2.3 Councillors and council employees who are attending meetings should give as much advance notice as possible of their absence either by mentioning at a previous meeting, email or telephone call to the Parish Clerk. This avoids inquorate meetings and the rescheduling of meetings where necessary. It also provides accountability for Members.

2.4 The deadline for receipt of an apology for absence shall be the end of office hours on the same day as the meeting, unless there is an emergency.

2.5 Apologies for absence shall be made directly in advance and not via a third person such as another Member at the meeting.

2.6 A Councillor who does not attend any meetings for a period of six consecutive months will automatically cease to be a Member of the Council unless the reason for absence is approved by the Council before the end of the period.

2.7 If absence becomes necessary for extended periods, Councillors are advised to submit a request to the Parish Clerk giving the reason for absence, for approval by the Council.

2.8 For all meetings of the Council, the Clerk will record Members' attendance, or

non-attendance with apologies at each meeting.

General:

2.9 It is your responsibility to actively represent and seek out the views of members of the community in Kidmore End on various relevant topics.

2.10 It is a mandatory requirement that all new Councillors and Chairs attend at least two training sessions.

2.11 There is an expectation that all Sonning Common Parish Councillors will look at their Parish Council email address, at least once a week.

3. Purpose of the Code of Conduct

3.1 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, local authority officers and the reputation of local government.

3.2 It sets out general principles of conduct expected of all Councillors and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of the Councillor and in Local Government.

4. Definitions

For the purposes of this Code of Conduct, a 'Councillor' means a member or co-opted member of the council, who is entitled to vote on any question that falls to be decided at any meeting, committee or sub-committee.

4.1 General Principles of Councillor Conduct

4.1.2 Everyone in public office and all who serve the public or deliver public services, including Councillors and local authority officers, should uphold the Seven Principles of Public Life, also known as the Nolan Principles (see Appendix A).

4.1.3 Building on these principles of selflessness, objectivity, accountability, openness, honesty, integrity, and leadership, the following general principles have been developed specifically for the role of Councillor.

4.1.4 In accordance with the public trust placed in Councillors, on all occasions a Councillor shall:

- act with integrity and honesty
- act lawfully

- treat all persons fairly and with respect
- lead by example and act in a way that secures public confidence in the role of Councillor
- impartially exercise their responsibilities in the interests of the local community
- not improperly seek to confer an advantage, or disadvantage, on any person
- avoid conflicts of interest
- exercise reasonable care and diligence; and
- ensure that public resources are used prudently in accordance with the parish council's requirements and in the public interest.

4.2 These principles largely reflect matters set out in Kidmore End Parish Council and South Oxfordshire District Council's Councillors' Code of Conduct, which is signed by all Councillors.

4.2.1 The general principles have been incorporated into the obligations of this Code of Conduct as set out below:

5. Application of the Code of Conduct

5.1 This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Councillor or as a co-opted member and continues to apply to you until you cease to be a Councillor.

5.2 This Code of Conduct applies when you are acting in your capacity as a Councillor which may include when:

- you misuse your position as a Councillor.
- 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.

5.3 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 and in electronic and social media communications, posts, statements and comments. The Monitoring Officer at South Oxfordshire District Council has a statutory responsibility for the implementation of the Code of Conduct for all Councillors within their area. Sonning Common Parish Councillors are encouraged to seek advice firstly from their Clerk, who may then refer matters to the Monitoring Officer.

6. Standards of Councillor Conduct

6.1 This section sets out the obligations (in bold below), which are the minimum standards of conduct required of a Councillor. Should a Councillor's conduct fall short of these standards, a complaint may be made against them, which may result in action being taken. Guidance is also included below each obligation to help explain the reasons for the obligations and how they should be followed.

6.2 Respect a Councillor:

6.3 Shall treat everyone, including other Councillors and members of the public with respect.

6.4 Shall treat council employees, employees and representatives of partner organisations and those volunteering for the council with respect and respect the role they play. 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.

6.5 In your contact with members of the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Councillors.

6.6 In return, you have a right to expect respectful behaviour from everyone. 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 relevant social media provider and/or the police. This also applies to fellow Councillors, where action could then be taken under the Councillor Code of Conduct, and the council employees, where concerns should be raised in line with the Council's Councillor-Officer protocol.

7. Bullying, Harassment and Discrimination - a Councillor

7.1 Shall not bully any person

7.2 Shall not harass any person

7.3 Shall promote equalities and not discriminate against any person. Bullying is 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. 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. 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. Legislation places specific duties on councils. Councillors have a vital 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.

8. Impartiality of Officers of the Council - a Councillor:

8.1 Shall not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the council or local authority. Officers work for the council or the local authority as a whole and must be politically neutral, (other than political assistants where applicable). They should not be coerced or persuaded to act in a way that would undermine their neutrality. A Councillor may question officers in Kidmore End Parish Council 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, a Councillor 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.

9. Confidentiality and access to information - a Councillor:

9.1 Shall not disclose information either given to them in confidence by anyone or acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, unless

- i. They have received the consent of a person authorised to give it; or
- ii. They are required by law to do so; or
- 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 reasonable and in the public interest; and also made in good faith and in compliance with the reasonable requirements of the council or local authority and consultation with the Monitoring Officer at South Oxfordshire District Council has taken place to its release.

9.2 Shall not improperly use knowledge gained solely as a result of their role as a Councillor for the advancement of themselves, their friends, family members, employer, or business interests.

9.3 Shall not prevent anyone from getting information that they are entitled to by law.

9.4 When making decisions on behalf of, or as part of, the Council they shall have due regard to any professional advice provided by the Council's Officers.

10. Disrepute - a Councillor:

10.1 Shall not bring their role as Councillor, their council or local authority into disrepute.

10.2 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, your council, other Councillors, and/or your local authority and may lower the public's confidence in you, your council or your local authority's ability to discharge your/its functions.

11. Use of position - a Councillor:

11.1 Shall not use, or attempt to use, their position improperly to the advantage or disadvantage of anyone. A Councillor should not take advantage of opportunities, responsibilities, and privileges to further their own or others' private interests or to disadvantage anyone unfairly.

12. Kidmore End Parish Council or Local Authority Resources and Facilities - a Councillor:

12.1 Shall not misuse council or local authority resources.

12.2 Shall, when using the resources of the council or authorising their use by others, act in accordance with the council's requirements; and 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 they have been elected or appointed. A Councillor may be provided with resources and facilities by the council to assist them in performing their duties as a Councillor. Examples may include office support, stationery, equipment such as phones, computers and transport and access and use of council or local authority buildings and rooms.

13. Compliance with the Code of Conduct - a Councillor

13.1 Shall undertake Code of Conduct training as required by the council and/or local authority.

13.2 Shall co-operate with any Code of Conduct assessment, investigation, hearing, and/or determination.

13.3 Shall not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

13.4 Shall comply with any sanction imposed on them following a finding that they have breached the Code of Conduct.

13.5 It is extremely important for a Councillor to demonstrate exacting standards, to have their actions open to scrutiny and not to undermine public trust in the council or local authority or its governance. If you do not understand or are concerned about the council or local

13.6 Kidmore End Parish Council Parish, authority's processes in managing a complaint you should raise this with the Monitoring Officer of South Oxfordshire District Council.

14. Registering and Declaring Interests

14.1 You need to register your interests so that the public, the council, local authority 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.

14.2 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, transparent, and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

15. Disclosable Pecuniary Interests

15.1 A Councillor must, within 28 days of taking office as a council member or co-opted member, notify the Clerk of Kidmore End Parish Council, who will then notify South Oxfordshire District Council's Monitoring Officer of any disclosable pecuniary interests as defined by regulations made by the Secretary of State (see Appendix B), where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners. Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of all council members of the authority.

15.2 You must disclose the interest at any meeting of the Council at which you are present, where you have a disclosable interest in any matter being considered and where

the matter is not a 'sensitive interest.' If it is a 'sensitive interest,' you must disclose the fact that you have an interest but do not have to disclose the nature of it. (A sensitive interest is an interest which, in the opinion of the Monitoring Officer, if disclosed, could lead to the Councillor, or a person connected with them, being subjected to violence or intimidation.) You are personally responsible for deciding whether or not you should disclose an interest in a meeting.

15.3 Following any disclosure of an interest not on the Council or South Oxfordshire District Council's register, or the subject of pending notification, you must notify the Clerk, who will contact South Oxfordshire District Council's Monitoring Officer of the interest within 28 days beginning with the date of disclosure. Unless dispensation has been granted, by the Monitoring Officer, you may not participate in any discussion of, or vote on, or discharge any function related to any matter in which you have a disclosable pecuniary interest.

- You must withdraw from the room or chamber when the meeting discusses and votes on the matter. Where you have a disclosable pecuniary interest on a matter to be considered or being considered by you as a Councillor in exercising your function, you must notify the Clerk at the Kidmore End Parish Council, the Monitoring Officer at South Oxfordshire District Council 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.
- You must ensure that your 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 Clerk who will notify the Monitoring Officer at South Oxfordshire District Council.
- You should note that failure to register or disclose a disclosable pecuniary interest as set out in Appendix B is a criminal offence under the Localism Act 2011.

15.4 Other Registerable Interests You must also register your other registerable interests with the Clerk who will notify the Monitoring Officer at South Oxfordshire District Council within 28 days of taking office and ensure these are kept up to date by notifying any changes within 28 days.

15.5 Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests, you must disclose the interest. Wellbeing can be described as a condition of contentedness, healthiness, and happiness; anything that could be said to affect a person's quality of life, either positively or negatively, is likely to affect their wellbeing. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest,' you do not have to disclose the nature of the interest. Where you have an Other Registerable Interest on a

matter to be considered or is being considered by you as a Councillor in exercise of your function, you must notify the Clerk, who will notify the Monitoring Officer at South Oxfordshire District Council 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.

15.6 Non-Registerable Interests Where a matter arises at a meeting which directly relates to your financial interest or wellbeing (and does not fall under disclosable pecuniary interests at 7.1 above), or the financial interest or wellbeing of a relative or close associate, you must disclose the interest.

- You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.
- If it is a sensitive interest, you do not have to disclose the nature of the interest. Where a matter arises at a meeting which affects your own financial interest or wellbeing, a financial interest or wellbeing of a relative or close associate or a financial interest or wellbeing of a body included under other Registrable Interests as set out at 10.2 above you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied: Where a matter affects the financial interest or well-being:

15.7 Kidmore End Parish Council Parish Office, to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and; a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting.

- Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest,' you do not have to disclose the nature of the interest. Where you have a Non-Registerable Interest on a matter to be considered or is being considered by you as a Councillor in exercise of your function, you must notify the Clerk and the Monitoring Officer at South Oxfordshire District Council 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.

16. Gifts and Hospitality -a Councillor:

16.1 Shall 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 to show favour from persons seeking to acquire, develop or do business with the council or local authority or from persons who may apply to the council or local authority for any permission, licence or other significant advantage.

16.2 Shall register with the Clerk and the Monitoring Officer at South Oxfordshire District Council any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

16.3 Shall register with the Clerk and Monitoring Officer at South Oxfordshire District Council any significant gift or hospitality that they have been offered but have refused to accept. The presumption should always be not to accept significant gifts or hospitality but 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.

16.4 Integrity Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

16.5 Objectivity Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

16.6 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.

16.7 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.

16.8. Honesty Holders of public office should be truthful.

16.9 Leadership Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

16.10 Kidmore End Parish Council Parish Office, APPENDIX B Disclosable pecuniary interests, as defined by the Secretary of State under the Localism Act 2011, are interests specified in regulations, including those of a member, their spouse, civil partner, or someone they live with, that could lead to a reasonable expectation of financial gain or loss. See below: Definition: A "disclosable pecuniary interest" is an interest of a member, their spouse, civil partner, or someone they live with, as husband or wife or as if civil partners, that is specified in regulations made by the Secretary of State. Purpose of Disclosure: The purpose of disclosing these interests is to ensure transparency and prevent conflicts of interest when members of relevant authorities (as defined in section 27(6) of the Localism Act 2011) make decisions. • Examples of Disclosable Pecuniary Interests: • The Regulations specify certain pecuniary interests that must be disclosed, including: • Land: Any beneficial interest in land within the relevant authority's area. •

Licences: Any licence to occupy land in the relevant authority's area for a month or longer.

- Corporate Tenancies: Any tenancy where the landlord is the relevant authority and the tenant is a body in which the relevant person has a beneficial interest.
- Employment, Office, Trade, Profession or Vocation: Any employment, office, trade, profession or vocation carried on for profit or gain.

17. Sensitive Interests:

17.1 If a member has a disclosable pecuniary interest that is considered "sensitive" (meaning disclosure could lead to violence or intimidation), they only need to disclose the fact that they have such an interest, rather than the details, according to GOV.UK.

Consequences of Non-Disclosure: Failure to register or declare disclosable pecuniary interests, or taking part in council business without a dispensation, is a criminal offense, punishable by a fine and disqualification from holding office.