



GREAT AYCLIFFE TOWN COUNCIL

NOTICE OF ADOPTION OF CODE OF CONDUCT

Pursuant to the Localism Act 2011 (Section 28(12))

NOTICE IS HEREBY GIVEN that:

- 1. GREAT AYCLIFFE TOWN COUNCIL at its meeting on the 28th July 2021 adopted this amended version of the Member's Code of Conduct pursuant to Section 27(2) of the Localism Act 2011.**
- 2. Copies of the Code are available at the following location for inspection by members of the public during office hours or on our website (www.great-aycliffe.gov.uk)**

**Great Aycliffe Town Council
Council Offices
School Aycliffe Lane
Newton Aycliffe
Co. Durham.**

(Telephone 01325 300700)

Dated: 28th July 2021

**Mr. Dan Austin,
Town Clerk.**

**Council Offices,
School Aycliffe Lane,
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GREAT AYCLIFFE TOWN COUNCIL

MEMBER'S CODE OF CONDUCT

1.0 Introduction

- 1.1 Pursuant to section 27 of the Localism Act 2011, Great Aycliffe Town Council ("the Council") has adopted the following Member's Code of Conduct which has effect from 28th July 2021 and which will be reviewed annually at the Annual Meeting of the Council.
- 1.2 The Council has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council.
- 1.3 This means the Code applies whenever a Member:
 - (a) conducts the business of the Council (including the business of their office as an elected councillor or co-opted member); or
 - (b) act, claim to act or give the impression that they are acting as a representative of the Council.
- 1.4 This Code of Conduct is based on the 'Nolan' principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.
- 1.5 This Member's Code of Conduct sits alongside and should be read in conjunction with the Council's Civility and Respect Pledge, adopted in July 2022, which commits the Council to treating all employees, councillors, volunteers, members of the public, and partner organisations with civility and respect.

2.0 Promotion and Maintenance of Standards

- 2.1 A Member shall:
 - familiarise him/herself with the Council's Code of Conduct and any other policies or standing orders of the council which relate to members' conduct.
 - support the Council in the promotion of high standards, and in ensuring access by the public to the Council's records regarding the registration and declaration of member's interests.
- 2.2 Nothing in this Code shall prevent a Member from disclosing any other interest if the individual wishes to do so.

3.0 Definitions

- 3.1 For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.
- 3.2 For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, working groups, joint committees, or joint sub-committees.
- 3.3 For the purposes of this Code, and unless otherwise expressed, a reference to a Member of the Council includes a Co-opted Member of the Council.

4.0 Member Obligations

- 4.1 Members and Co-opted Members of the Council are expected to undertake their duties, represent the community, and work constructively with employees and partner organisations to ensure the Parish is a safer place to live, work and visit and behave in a manner that is consistent with the following principles to achieve best value for residents and maintain public confidence in the Town Council:

- (a) **Selflessness:** act solely in terms of the public interest and not act in such a way as to gain financial or other material benefits for themselves, their family, or friends;
- (b) **Integrity:** not placing themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties;
- (c) **Objectivity:** make choices on merit, in carrying out public business, including when making public appointments, awarding contracts, or recommending individuals for rewards and benefits;
- (d) **Accountability:** be accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office;
- (e) **Openness:** be as open as possible about all the decisions and actions they take, and give reasons for decisions and restrict information only when the wider public interest or the law clearly demands;
- (f) **Honesty:** declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.
- (g) **Leadership:** promote and support these principles by leadership and example.

4.2 When a Member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following specific obligations:

- (a) Champion the needs of residents - the whole community and all constituents, including those who did not vote for them - and put the public interest first;
- (b) Deal with representations or enquiries from residents, members of the community and visitors fairly, appropriately, and impartially;
- (c) Not allow other pressures, including the financial interests of themselves or others connected to them, to deter them from pursuing the interests of the Council or the good governance of the Council in a proper manner;
- (d) Exercise independent judgement and not compromise their position by placing themselves under obligations to outside individuals or organisations who might seek to influence the way they perform their duties as a Member / Co-opted Member of the Council;
- (e) Listen to the interests of all parties, including relevant advice from statutory and other professional officers, take all relevant information into consideration, remain objective and make decisions on merit;
- (f) Be accountable for decisions and co-operate when scrutinised internally and externally, including by local residents;
- (g) Contribute to making the Council's decision-making processes as openly and transparently as possible to ensure residents understand the reasoning behind those decisions and are informed when holding the Council to account but restricting access to information when the wider public interest or the law requires it;
- (h) Behave in accordance with all legal obligations, alongside any requirements contained within the Council's policies, protocols, and procedures, including on the use of the Council's resources;
- (i) Value colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect that is essential to good local government;
- (j) Always treat people with respect, including the organisations and public they engage with and work alongside.

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. Members should express, challenge, criticise and disagree with views, ideas, opinions, and policies in a robust but civil manner. Members must not, however, subject individuals, groups of people or organisations to personal attack.

Members should treat members of the public politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Members. Members equally have a right to expect respectful behaviour from the public.

If members of the public are being abusive, intimidatory or threatening, Members may stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider, or the police. This also applies to fellow Members, where appropriate action could then be taken under the Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's relevant protocols;

- (k) Provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Authority;
- (l) Not disclose information given to them in confidence by anyone or information acquired, which they believe, or ought reasonably to be aware, is of a confidential nature, without express authority and/or unless the law requires it;
- (m) Not to bully or harass any person (including specifically any council employee) and you must not intimidate or improperly influence, or attempt to intimidate or improperly influence, any person who is involved in any complaint about any alleged breach of the code of conduct.

Bullying may be characterised as: offensive, intimidating, malicious or insulting behaviour; or an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly, or injure someone.

Harassment may be characterised as 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 and/or harassment may take many forms, it could include but is not limited to age, disability, gender reassignment, race, religion, belief, sex and/or sexual orientation;

- (n) Not to bring the role of Member or the local authority into disrepute and be aware that the actions and behaviour of a Member are subject to greater scrutiny than that of ordinary members of the public;
- (o) To hold the local authority and fellow Members to account and constructively challenge and express concern about decisions and processes undertaken by the Council whilst continuing to adhere to other aspects of this Code of Conduct;
- (p) Not seek to improperly confer an advantage or disadvantage on any person;
- (q) Use the resources of the Council in accordance with its requirements;
- (r) Not disclose information which is confidential or where disclosure is prohibited by law; and
- (s) Will be required to declare an interest at the meeting, even though that interest may already appear on their Register of Interests. This is to make fellow-members, the press and the public aware of a member's interest, if that member does not articulate it when the council are discussing a relevant matter which affects that interest.

- 4.3 It is expected that Members will at all times comply with requests as part of Code of Conduct investigations and any arising outcomes.
- 4.4 It is also expected that Members will not submit malicious or trivial complaints.
- 4.5 Where it is alleged that a Member has failed to act in accordance with the Code, a complaint will be presented to the Durham County Council Monitoring Officer for consideration in accordance with the Local Assessment Procedure and where necessary the Local Determination Procedure.

5.0 Registration of Interests

Register of Interests

- 5.1 Within 28 days of this Code being adopted by the Council, or the Member's election or the Co-opted Member's appointment (where that is later), he/she shall register with the Monitoring Officer at Durham County Council the interests which fall within the categories set out in Appendices A and B.
- 5.2 Upon the re-election of a Member or the re-appointment of a Co-opted Member, he/she shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B.
- 5.3 A member shall register with the Monitoring Officer any change to interests or new interests (including sensitive interests) in Appendices A and B within 28 days of becoming aware of it.
- 5.4 Failure, without reasonable excuse, to register a Disclosable Pecuniary Interest (an Appendix A Interest) is a criminal offence under the Localism Act 2011 as well as a breach of this Code.
- 5.5 Specifically Members must:
- (a) register and, where appropriate, disclose those Disclosable Pecuniary Interests that they are obliged to declare under the Localism Act and associated regulations; and
 - (b) register any body of which they are a member (or in a position of general control or management) to which they were appointed or nominated by the Council; and
 - (c) register details of their membership of any organisation or body whose rules or requirements of membership could be regarded as suggesting a degree of loyalty to that organisation or body. This could arise by reason of an organisation having an obligation of secrecy about its rules, its membership or conduct and/or a commitment of allegiance or support to that organisation or body. Such organisations or bodies may or may not be charitable concerns and they may also have a local, regional, national, or international aspect; and
 - (d) register details of my membership of any trade union within the meaning of Section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992.

- 5.6 Registration of interests shall be completed by provision of details upon a signed prescribed form which is submitted to the Monitoring Officer at Durham County Council.
- 5.7 Members must ensure they keep the register updated and acknowledge that its contents will be published on the Council's website and will be open to the public to inspect.

Disclosable Pecuniary Interests Entered on the Register

- 5.8 If Members are present at a meeting of the Council and they are aware that they have a disclosable pecuniary interest in Appendix A relating to any matter to be considered or being considered at the meeting; and the interest is entered in the Council's Register of Interests:-
- They must declare what his or her interests are under the Declaration of Interests Agenda Item;
 - They may not participate in any discussion or further discussion of an item of business or in any vote or further vote taken on that item which affects or relates to the subject matter in which they have such an interest; (Localism Act s31(4)).
 - If the councils Standing Orders dictate, the member shall leave the room while the matter is being discussed and voted on.

Disclosable Pecuniary Interests NOT Entered on the Register

- 5.9 If Members are present at a meeting of the Council and they are aware that they have a disclosable pecuniary interest in Appendix A in any matter to be considered or being considered at the meeting; and the interest is *not* entered in the Council's Register of Interests:-
- They must declare what his/her interests are under the Declaration of Interests Agenda Item;
 - They may not participate in any discussion or further discussion of an item of business or in any vote or further vote taken on that item which affects or relates to the subject matter in which they have such an interest; (Localism Act s31(4)).
 - If the councils Standing Orders dictate, the member shall leave the room while the matter is being discussed and voted on.
- 5.10 If an interest referred to above has not already been disclosed to the Monitoring Officer and is not the subject of a pending registration, Members must notify the Monitoring Officer of the new interest within 28 days of the date of the disclosure.
- 5.11 Members with the power to discharge a Council function acting alone will have a disclosable pecuniary interest in any matter to be dealt with or being dealt with by them in the course of discharging that function:
- (a) they may not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by them); and
 - (b) if the interest is not entered on the Council's register and is not the subject of a pending registration, they must notify the Council's Monitoring Officer of the interest within 28 days of becoming aware of the interest.

Sensitive Interests

- 5.12 This applies to a situation where a Member considers that the disclosure of the details of an interest, including that of a spouse or partner, could lead to the Member, or a person connected with the Member, being subject to violence or intimidation.
- 5.13 In such circumstances the Member should share their concerns with Durham County Council's Monitoring Officer via the Town Clerk. If the Monitoring Officer agrees with the Member, then the details of the interest will not be included in the Council's published Register of Interests, but the Register may state that the Member had registered an interest, the details of which had been withheld under Section 32 of the Localism Act 2011.
- 5.14 If the Monitoring Officer has accepted that the Member has a sensitive interest under Section 32 of the Localism Act 2011, the Member should declare the existence of the interest at any meeting at which they are present but need not declare the details of the interest.
- 5.15 If circumstances change and the information excluded from the Register on the grounds of sensitivity is no longer sensitive information, the Member must notify the Monitoring Officer within 28 days.
- 5.16 Subject to the above, where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall:
- Declare an interest but not the nature of it;
 - not participate in a discussion or vote on the matter(Localism Act s31(4));
 - If the councils Standing Orders dictate, the member shall leave the room while the matter is being discussed and voted on.
- 5.17 If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose that he/she has an interest but not the nature of it and let the Monitoring Officer know of the existence of a new sensitive interest within 28 days.

Other Relevant Interests

- 5.18 Members may have an Other Relevant Interest (which is not a Disclosable Pecuniary Interest) in any matter to be considered or being considered at the meeting) where:
- (a) a decision in relation to that matter might reasonably be regarded as affecting the well-being or financial standing of them or a member of their family or a person with whom they have a close association, or an organisation or body under paragraph 5.5(b), 5.5(c) or 5.5(d) above, to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which they have been elected or otherwise of the authority's administrative area; and
 - (b) the interest is one that a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice their judgement of the public interest.

- 5.19 Appendix B provides more detail and definition of Other Relevant Interests.
- 5.20 Where a matter arises at a meeting which relates to an interest in Appendix B:
- The Member shall declare what his/her interests are under the Declaration of Interests Agenda Item;
 - He/she may speak on the matter only if members of the public are also allowed to speak at the meeting;
 - Shall not vote on the matter; and
 - If the councils Standing Orders dictate, once the member has spoken they shall leave the room while the matter is being discussed and voted on.
- 5.21 If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest (see paragraphs 5.12 to 5.17).
- 5.22 Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest of a person in Appendix A):
- The Member shall declare what his/her interests are under the Declaration of Interests Agenda Item;
 - He/she may speak on the matter only if members of the public are also allowed to speak at the meeting;
 - Shall not vote on the matter; and
 - If the Council's Standing Orders dictate, once the member has spoken they shall leave the room while the matter is being discussed and voted on.

6.0 Dispensations

- 6.1 On a written request made to the Council's Proper Officer (Town Clerk), prior to the relevant item being discussed, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting, even if he/she has an interest in Appendices A and B, if the Council believes:
- that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or
 - it is in the interests of the inhabitants in the Council's area to allow the member to take part; or
 - it is otherwise appropriate to grant a dispensation.

7.0 Gifts and Hospitality

- 7.1 Members must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit, or hospitality with a value in excess of £50 which they have been offered as a member from any person or body other than the Authority, whether the offer is accepted or declined.
- 7.2 The Monitoring Officer will place any notification received under paragraph on a public register of gifts and hospitality.
- 7.3 The duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality has been approved by the Authority for this purpose.

Appendix A - Disclosable Pecuniary Interests

These are interests defined by Regulations made under Section 30 (3) of the Localism Act 2011 and described in the table below.

They include interests which are held by the Member; his/her spouse or civil partner, a person with who he/she is living as husband and wife; or a person with whom he/she is living as if they are civil partners, and the member is aware that the other person has the interest.

Interests described in the table below:

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the <u>Trade Union and Labour Relations (Consolidation) Act 1992</u> .
Contracts	Any contract made between the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the Council —
	(a) under which goods or services are to be provided or works are to be executed; and
	(b) which has not been fully discharged.
Land	Any beneficial interest in land held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partner which is within the area of the Council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners to occupy land in the area of the Council for a month or longer.
Corporate tenancies	Any tenancy where (to the member's knowledge)—
	(a) the landlord is the Council; and
	(b) the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.

Securities	Any beneficial interest held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners in securities* of a body where—
	(a) that body (to the member's knowledge) has a place of business or land in the area of the Council; and
	(b) either—
	(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or
	(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

**'director' includes a member of the committee of management of an industrial and provident society.*

**'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.*

Appendix B – Other Relevant Interests

An 'Other Relevant Interest' is one which relates to or is likely to affect:

- (i) any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council e.g. an outside body, but only when the item under discussion involves potential funding or transfer of assets from the Council to that body.
- (ii) any organisation or body whose rules or requirements of membership could be regarded as suggesting a degree of loyalty to that organisation or body. This could arise by reason of an organisation having an obligation of secrecy about its rules, its membership or conduct and/or a commitment of allegiance or support to that organisation or body. Such organisations or bodies may or may not be charitable concerns and they may also have a local, regional, national, or international aspect.
- (iii) Membership of any trade union within the meaning of Section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (iv) Membership of, or of which the member of the Council is in a position of general control or management of any other body:
 - 1) exercising functions of a public nature e.g. school governor, member of another local authority, area action partnership etc;
 - 2) directed to charitable purposes e.g. Freemasons Lodge, Rotary Club, community association etc; or
 - 3) one of whose principal purposes includes the influence of public opinion or policy e.g. any political party or trade union.
- (v) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.