

# **STOCKTON-ON-TEES BOROUGH COUNCIL**

## **Members Code of Conduct**

Forms part of section 4 of the Constitution

**November 2021**

## **COUNCILLORS CODE OF CONDUCT**

### **Purpose of the Code of Conduct**

- 4.1 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. 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 councillor and local government.

### **General Principles of Councillor Conduct**

- 4.2 Everyone in public office at all levels; all who serve the public or deliver public services councillors and local authority officers; should uphold the Seven Principles of Public Life also known as the Nolan Principles. Building on these principles, the following general principles have been developed specifically for the role of a councillor.
- 4.3 In accordance with the public trust placed in me, on all occasions:
- I act with integrity and honesty
  - I act lawfully
  - I treat all persons fairly and with respect; and
  - I lead by example and act in a way that secures public confidence in the role of councillor.
- 4.4 In undertaking my role:
- I impartially exercise my responsibilities in the interests of the local community
  - I do not improperly seek to confer an advantage, or disadvantage, on any person
  - I avoid conflicts of interest
  - I exercise reasonable care and diligence; and
  - I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

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

- 4.5 This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.
- 4.6 This Code of Conduct applies to you 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
- 4.7 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
  - in electronic and social media communication, posts, statements and comments.

- 4.8 You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

- 4.9 Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct.

### **Standards of councillor conduct**

- 4.10 This Code sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken. Guidance is included to help explain the reasons for the obligations and how they should be followed.

### **Respect**

- 4.11 As a councillor:
- a. I treat other councillors and members of the public with respect.
  - b. I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.
- 4.12 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. In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.
- 4.13 In return, you have a right to expect respectful behaviour from the public. 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 local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

### **Bullying, harassment and discrimination**

- 4.14 As a councillor:
- a. I do not bully any person.
  - b. I do not harass any person.
  - c. I promote equalities and do not discriminate unlawfully against any person.
- 4.15 The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.
- 4.16 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
- 4.17 Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by

the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 4.18 The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

### **Impartiality of officers of the council**

- 4.19 As a councillor I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.
- 4.20 Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in 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, you 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.

### **Confidentiality and access to information**

- 4.21 As a councillor I do not:
- a. Disclose information given to me in confidence by anyone
  - b. Disclose information acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless
    - i. I have received the consent of a person authorised to give it;
    - ii. I am required by law to do so;
    - 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:
      1. reasonable and in the public interest; and
      2. made in good faith and in compliance with the reasonable requirements of the local authority; and
      3. I have consulted the Monitoring Officer prior to its release.
  - c. Improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.
  - d. Prevent anyone from getting information that they are entitled to by law.
- 4.22 Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

### **Disrepute**

- 4.23 As a councillor I do not bring my role or local authority into disrepute.
- 4.24 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, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is

considered dishonest and/or deceitful can bring your local authority into disrepute.

- 4.25 You are able to hold the local authority and fellow councillors to account and are able to 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.

### **Use of position**

- 4.26 As a councillor I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.
- 4.27 Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

### **Use of local authority resources and facilities**

- 4.28 As a councillor:
- a. I do not misuse council resources.
  - b. I will, when using the resources of the local authority or authorising their use by others:
    - i. act in accordance with the local authority's requirements; and
    - ii. 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 local authority or of the office to which I have been elected or appointed.
- 4.29 You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor. Examples include:
- office support
  - stationery
  - equipment such as phones, and computers
  - transport
  - access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

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

- 4.30 As a councillor:
- a. I undertake Code of Conduct training provided by my local authority.
  - b. I cooperate with any Code of Conduct investigation and/or determination.
  - c. I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
  - d. I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

### **Protecting your reputation and the reputation of the local authority**



- 4.31 It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local

authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

### **Interests**

- 4.32 As a councillor I register and declare my interests.
- 4.33 Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority. You need to register your interests so that the public, 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. You are personally responsible for deciding whether or not you should declare 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 declared by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.
- 4.34 You should note that failure to register or declare a disclosable pecuniary (i.e. financial) interest is a criminal offence under the Localism Act 2011.
- 4.35 Within 28 days of your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) and Table 2 (Other Registerable Interests) in Appendix A. Disclosable Pecuniary Interests means issues relating to money and finances.
- 4.36 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 Monitoring Officer.
- 4.37 A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor/member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.
- 4.38 Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

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

- 4.39 Where a matter arises at a meeting which directly relates one of your Disclosable Pecuniary Interests, you must declare the interest, not participate 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 declare the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
- 4.40 [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

### **Declaration of Other Registerable Interests**

- 4.41 Where a matter arises at a meeting which directly relates to the financial interest or well being of one of your Other Registerable Interests, you must declare the interest. You may speak on the matter only if members of the public are 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 declare the nature of the interest.

## Declaration of Non Registerable Interests

4.42 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 declare the 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', again you do not have to declare the nature of the interest.

4.43 Where a matter arises at a meeting which *affects* –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a friend, relative or close associate; or
- c. a financial interest or wellbeing of a body included in those you need to declare under Other Registerable Interests

you must declare the interest. In order to determine whether you can remain in the meeting after declaring your interest the following test should be applied.

4.44 Where the matter referred to in para 4.43 affects the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect 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 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 declare the nature of the interest.

4.45 [Where you have an Other Registerable Interest or Non Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

4.46 An application for dispensation must be in writing and must be submitted to the Council's Monitoring Officer, in the first instance. A group secretary or other member may co-ordinate, prepare and submit an application on behalf of his/her group member(s) or other members/co-opted members provided that all of the requirements below are satisfied.

4.47 An application for a dispensation should indicate:

- (a) the name or names of the Councillor or Councillors who require a dispensation;
- (b) the reasons why each member considers that he or she needs a dispensation (i.e. why the Member is prohibited from participating in the particular business of the Council and the interest or interests (whether a disclosable pecuniary interest, other registerable interest or a non-registerable interest) which give rise to the prohibition);
- (c) the business or matter and specific meeting or meetings (including dates) to which any dispensation would apply if granted (and whether it should apply for up to four years); and
- (d) should be signed by the Member or on behalf of the Members requesting the dispensation.

4.48 The application should, wherever possible, be received by the Monitoring Officer at least five

clear working days before the date of the meeting to which the requested dispensation would relate. If it is not possible to comply with this timescale, this may result in the application not

being able to be considered either at all, or in time to determine the application prior to the meeting to which the requested dispensation would apply.

- 4.49 Following receipt of an application, the Monitoring Officer will use best endeavours to ensure that she/he considers it no later than the day before the date of the meeting to which the requested dispensation would relate. The Monitoring Officer may (but is not obliged to) consult an Independent Person.
- 4.50 If it should not be reasonably practicable or possible for the application to be considered in advance of the meeting or if the Monitoring Officer determines that it would not be appropriate to grant a dispensation, the Monitoring Officer will, as soon as reasonably practicable, advise the applicant Member(s), and any Group Secretary(ies) of the fact and will take all appropriate action regarding the meeting(s) to which the application related. An appeal may be made to the Standards Panel.
- 4.51 Where the Monitoring Officer or the Panel determines that it would be appropriate to grant a dispensation, the Monitoring Officer will, as soon as reasonably practicable, advise the Member(s) and any Group Secretary(ies) of the decision and will ensure that details of the existence, duration and nature of the dispensation are recorded in writing and kept with the Council's Register of Interests established under the Localism Act.

### **Gifts and hospitality**

- 4.52 As a councillor:
- a. I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.
  - b. I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
  - c. I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.
- 4.53 In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, 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. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

## APPENDIX A

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor 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 —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer

Corporate tenancies	Any tenancy where (to the councillor's knowledge)—  (a) the landlord is the council; and  (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor 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 in securities* of a body where—  (a) that body (to the councillor'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 councillor, or his/ her spouse or civil partner or the person with whom the councillor 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.

### Other Registerable Interests

You must register as an Other Registerable Interest:

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body:
  - i. exercising functions of a public nature
  - ii. directed to charitable purposes or
  - iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management