

Darley Dale Town Council

COUNCILLOR CODE OF CONDUCT 2023-24

Ian Adkin – May 2023

Joint Councillor Statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our actions as individual councillors affect the reputation of all councillors.

We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors we represent residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards, demonstrating good conduct and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the public.

This Code is our commitment to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

1. Who is subject to this code of conduct?

For the purposes of this Code of Conduct, a “councillor” means an elected member or a co-opted member of Darley Dale Town Council. This Code of Conduct also applies to any person who is not a member of the authority but who:

- is a member of any committee or sub-committee of the authority,
- is a member of, and represents the authority on, any joint committee or joint sub- committee of the authority,
- anyone who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

2. Purpose of the Code of Conduct

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, Town Council officers and the reputation of local government.

It sets out the 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.

3. General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and Town Council officers should uphold the Seven Principles of Public Life, also known as the Nolan Principles. Building on this, the following general principles have been developed specifically for the role of councillor. As a Darley Dale Town Councillor, you agree to comply with the following:

In accordance with the public trust placed in me, on all occasions:

- I will act with integrity and honesty,
- I will act lawfully,
- I will treat all persons fairly and with respect and
- I will lead by example and act in a way that secures public confidence in the role of councillor.

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.

4. Application of the Code of Conduct

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.

This Code of Conduct always applies to you when you are acting in your capacity as a councillor or when 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.

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 and comments.

You are also expected to uphold high standards of conduct and always show leadership when acting as a councillor. The DDDC Monitoring Officer has a statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct.

Town councillors are also encouraged to seek advice from their Clerk, who may in turn seek advice from or refer matters to the Derbyshire Association of Local Councils or the Monitoring Officer.

5. Standards of councillor conduct

This section 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.

a. Treating others with respect

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.

As a councillor you should always:

- Treat other councillors and members of the public with respect.
- Treat Town Council employees, employees, representatives of partner organisations and those volunteering for the Town Council with respect, both personally and in the role they play.

- 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.

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 Town Council, 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 Town Council employees.

b. Bullying, harassment and discrimination

As a councillor you should never bully or harass any person under any circumstances. You should promote equality and never discriminate unlawfully against any person.

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.

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.

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. 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 Town Council's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

c. Impartiality of officers of the council

As a councillor you must not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the Town Council.

Officers work for the Town Council as a whole and must be politically neutral. They should not be coerced or persuaded to act in a way that would undermine their

neutrality. You can question officers 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.

d. Confidentiality

The Town Council 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 Town Council must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

As a councillor you must not disclose information:

- given to you in confidence by anyone.
- acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, unless:
 - you have received the consent of a person authorised to give it.
 - are required by law to do so.
 - 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.
 - the disclosure is reasonable and in the public interest and made in good faith and in compliance with the reasonable requirements of the Town Council and you have consulted the Monitoring Officer prior to its release.

e. Access to information

You must never improperly use knowledge gained solely because of your role as a councillor for the advancement of yourself, your friends, your family members, your employer or your business interests. You must not prevent anyone from getting information that they are entitled to by law.

f. Disrepute

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 Town Council and may lower the public's confidence in you or your Town Council's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your Town Council into disrepute.

As a councillor you must not do anything that could bring your role or the Town Council into disrepute.

g. Use of position

Your position as a member of the Town Council 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.

As a councillor you must not use, or attempt to use, your position improperly to the advantage or disadvantage of yourself or anyone else.

h. Use of Resources

You may be provided with resources and facilities by the Town Council to assist you in carrying out your duties as a councillor. Examples might include office support, stationery, IT equipment such as printers and iPads and use of the Council office or other 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 solely for the purpose for which they have been provided.

When using these resources or authorising their use by others you must 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 Town Council or of the office to which you have been elected or appointed.

i. Use of social media

The Town Council has Facebook and Instagram accounts and Councillors are encouraged to follow them, and indeed any local community page or group, for an insight into local issues. In most cases responses to questions or issues being discussed will be made by the Community Engagement Officer who monitors the accounts. These posts will normally be simple acknowledgements, clarifications or an invite to get in touch as appropriate.

As a general rule Councillors should avoid commenting on local forums and groups in an official capacity. If you feel you must do so, you should explain your position and avoid voicing any opinions which could bring you or the Council into disrepute. You may post facts or information about the Council but when posting opinions you must make it clear that these are your own and not those of the Council as a whole.

If responding to residents raising or discussing local issues you should first consider:

- i. Whether the issue is in your ward.*** If not then refer it to the Clerks Office or to a Councillor representing that ward.
- ii. Whether it is an issue best addressed by the Clerks.*** The Clerks have a long list of ongoing issues which they are tracking and which they try to bring to Councillors attention at the monthly meetings. If you're aware that the issue is being managed already then notify the CEO who will post the latest information. If it's an issue

you're not aware of then avoid posting a response promising to "pick it up" until you've confirmed with the Clerks that it is a genuinely new issue.

iii. Whether it is an issue that is better addressed by another councillor or a Council committee. This could be because a particular councillor is familiar with the issue or the area or because they are lead councillor for a community group or project. Planning issues would normally be referred to the Chair of the Planning Advisory Committee or to the committee as a whole.

iv. Whether it is an issue that is better addressed by another Council or organisation

Many issues which crop up on social media fall squarely under the responsibility of the District or County Council and, if you feel you must respond before the CEO, then you should point people to the relevant "report it" function and encourage as many people as possible to do the same.

When in doubt, wait and speak to the CEO or Clerk before doing anything.

6. Declaration of interests

Section 29 of the Localism Act 2011 requires the DDDC Monitoring Officer to establish and maintain a register of interests of all Town and Parish Councillors. You need to register your interests so that the public, Town Council 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 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 and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

As a councillor you must:

- Register and disclose your interests with the DDDC Monitoring Officer within 28 days of this Code being adopted by the Council, your election or co-opted appointment. Your interests include your job or employment status, any relevant contracts, sponsorship or land ownership among other things. You should note that failure to register or disclose a disclosable pecuniary interest as set is a criminal offence under the Localism Act 2011.
- The detailed provisions on registering and disclosing interests are set out in the disclosure form which is available from the Monitoring Officer. If in doubt, you should always seek advice from your Monitoring Officer.
- You need only declare the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a

public register, could lead you or a person connected with you to be subject to violence or intimidation.

7. Declaration of interests at meetings

Where you have declared long standing interests – for example as a member of a local Community Group or as a Trustee of the Whitworth – these will be published as part of every meeting agenda. Where a matter arises at a meeting which relates to a specific interest, whether previously declared or not, you must declare that interest at the meeting itself. Examples of “one-off” interests might be an agenda item where a family member’s planning application might be considered or a payment to an organisation or company to which you have some connection. For interests which are not pecuniary you must satisfy yourself that you can be entirely objective before taking part in any discussion or vote. If in any doubt you should not. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate the member shall disclose the nature of the interest and not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a ‘sensitive interest’ the member shall declare the interest but not the nature of the interest.

8. Councillor Interests as a Whitworth Trustee

In May 2022 the Town Council resolved that all Councillors should be allowed to vote on Whitworth matters unless they would personally benefit financially and should abstain if they felt conflicted. The one specific exception is where contracts between the Trust and Council are being debated (for example the Office lease agreement) in which case Trustee/Councillors would not be permitted to speak or vote.

9. Dispensations

On a written request made to the Council’s proper officer, 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 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.

10. Gifts and hospitality

To protect your position and the reputation of the Town Council, 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. 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, seek guidance from your Clerk or contact your Monitoring Officer.

As a Councillor:

- You should 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 your part to show favour from persons seeking to acquire, develop or do business with the Town Council or from persons who may apply to the Town Council for any permission, licence or other significant advantage.

- You must register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
- You must register with the Monitoring Officer any significant gift or hospitality that you have been offered but have refused to accept.

11. *Complying with the Code of Conduct*

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.

When you sign your Declaration of Acceptance of Office you undertake to:

- Follow the conditions set out in this document.
- Co-operate with any Code of Conduct investigation and/or determination.
- Not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- Comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.