



# SAFFRON WALDEN TOWN COUNCIL

## Code of Conduct

Version	Date Adopted Policy	Minute Reference	Review Date
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## Part 1

### Introduction and Interpretation

1. This is the Code of Conduct adopted by Saffron Walden Town Council. It sets out standards of conduct expected of elected and co-opted members of the Council. It is also intended to promote the adherence by members to the following principles:

- *Selflessness*: Holders of public office should act solely in terms of the public interest.
- *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 friends.
- *Objectivity*: Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- *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.
- *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 doing so.
- *Honesty*: Holders of public office should be truthful.
- *Leadership*: Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour when it occurs.

Full details of the principles can be found on line at

<https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>

### What does the Code cover?

2. The Code covers three main areas:

- It sets out some general obligations regarding the behaviour of elected and co-opted members.
- It explains how members should behave if they have a personal interest in an item of Council business.
- It sets out rules requiring registration of interests for public inspection.

## **When does the Code apply?**

3. You must comply with this Code whenever you are carrying out your Council duties for which you were elected or appointed. The Code also applies when you act, claim to act or give the impression you are acting as a representative of the Council. It does not apply to your conduct in your private life. However, conduct that falls short of the high standards expected of those in public life can damage the reputation of the Council and its members, even if it is not within the scope of the Code. The Code applies to elected councillors and it also applies to co-opted members.

## **General obligations regarding behaviour**

4. You must treat others with respect.
5. You must observe any protocols or codes of practice adopted by your authority.
6. You must not:
  - a. Do anything which may cause the Council to breach the Equality Act 2010 or otherwise act unlawfully.
  - b. Bully any person;
  - c. Intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct;
  - d. Do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
  - e. Disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
    - i. You have the consent of a person authorised to give it;
    - ii. You are required by law to do so;
    - iii. The disclosure is made to a third party for the purpose of obtaining professional 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 is made in good faith and in compliance with the reasonable requirements of the authority;
  - f. Prevent another person from gaining access to information to which that person is entitled by law.
  - g. Conduct yourself in a manner which could be reasonably regarded as bringing the Council or your office into disrepute
  - h. Use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage
7. You must, when using or authorising the use by others of the resources of your authority:
- a. Act in accordance with your authority's reasonable requirements;
  - b. Ensure that such resources are not used improperly for political purposes (including party political purposes); and
  - c. Have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

## **Members' Interests in Council Business**

### **Disclosable pecuniary interests.**

8. Disclosable pecuniary interests (DPIs) are defined by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. An explanation of what is a DPI is set out in Appendix A to this Code. It is very important that members understand what amounts to a DPI, that they identify carefully all the DPIs relevant to them and that they take the action required by law. Breach of the requirements related to DPIs may amount to a criminal offence.

### **Personal Interests**

9. Personal interests are interests you have in business considered by the Council that do not fall within the definition of a disclosable pecuniary interest but which should be declared in the interests of transparency. They are defined in Appendix B to this Code.

## **Personal and Prejudicial interests.**

10. To decide whether a personal interest is prejudicial, members should apply the following test:

*“Would a member of the public with knowledge of the relevant facts reasonably regard my interest as so significant that it is likely to prejudice my judgement of the public interest?”*

If the answer is “yes”, then you should treat your interest as “personal and prejudicial”.

## **Disclosure of Members’ Interests**

11. If you are present at a Council meeting that is considering business in which you have an interest, you must disclose the existence and nature of the interest to the meeting. Council meetings for this purpose also include meetings of committees, sub-committees, working groups and panels.

This provision only applies if you are aware or ought reasonably to be aware of the interest.

## **Disclosure of Sensitive Interests**

12. If details of your interest are not published in the Register of Members’ Interests because they have been classed as “sensitive”, you must disclose the fact that you have an interest and the type of interest (disclosable pecuniary or personal) but need not disclose the nature of the interest. **The definition of a “Sensitive” interest is as defined in Section 32(1) of the Localism Act 2011**

## **Participation in meetings if you have an interest**

13. If you have a **disclosable pecuniary interest** in any Council business then, unless you have a dispensation from the Saffron Walden Town Council (as defined within the Council’s dispensation process), you must:

- Withdraw from the room or chamber where the meeting considering the business is being held.
- Not participate or participate further in any discussion of the matter at the meeting.
- Not participate in any vote or further vote taken on the matter at the meeting.

14. If you have a **personal and prejudicial interest** in any Council business then, unless you have a dispensation:
- You may attend a meeting for the purpose of making representations only.
  - You must not participate or participate further in any discussion of the matter at the meeting.
  - You must not participate in any vote or further vote taken on the matter at the meeting.
15. If you have a **personal interest that is neither a disclosable pecuniary interest nor a prejudicial interest**, you may participate in discussion of the matter and may vote.
16. If a Council function may be discharged by a member acting alone and you have a disclosable pecuniary interest in such a matter, you 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 yourself) unless you have obtained a dispensation permitting you to do so.

## **Registration of Members' Interests**

A copy of members' registers of interests will be held at both the Town Council Offices at 11 Emson Close, Saffron Walden, Essex, CB10 1HL and online at [www.saffronwalden.gov.uk](http://www.saffronwalden.gov.uk). A copy will also be held by the principal authority Uttlesford District Council, London Road, Saffron Walden, Essex, CB11 4ER and online at [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk)

### ***Disclosable Pecuniary Interests***

17. You are required to notify Uttlesford District Council's monitoring officer of any disclosable pecuniary interests as follows:
- You must give notice of all disclosable pecuniary interests within 28 days of being elected or appointed as a member of the Council.
  - If you are re-elected or reappointed, you must give notice within 28 days of re-election or re-appointment of any disclosable pecuniary interests that are not already entered in the Register of Members' Interests
  - If you are obliged, at a meeting, to declare a disclosable pecuniary interest which is not entered on the Register of Members' Interests, you must notify Uttlesford District Council's Monitoring Officer within 28 days of the declaration.
  - Notify Uttlesford District Council's Monitoring Officer of new disclosable pecuniary interests within 28 days of becoming aware of them.

### ***Personal Interests***

18. You are required to notify Uttlesford District Council's monitoring officer of any personal interests that are not registrable as disclosable pecuniary interests as follows:

- The name of any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council.
- The name of any body:
  - exercising functions of a public nature; or
  - directed towards charitable purposes; or
  - 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
- The name of any person or body from whom you have received a gift or hospitality with an estimated value of at least £50.

### ***Sensitive interests***

19. Where you have an interest that is registrable and the nature of the interest is such that you and Uttlesford District Council's monitoring officer consider that disclosure of details of the interest could lead to you or a person connected with you being subject to violence or intimidation if the interest is entered in the authority's register then copies of the register available for inspection and any published version of the register shall not include details of the interest but may state that you have an interest details of which are withheld under s.32(2) Localism Act 2011 and/or this paragraph.

### ***Dispensations***

20. A Councillor may apply for a dispensation allowing him/her to participate in and/or vote in matters in which they have a declared an interest. The process for applying and determining Dispensations is as defined within the Town Council's Standing Orders and is notably:

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless he / she has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he / she has a disclosable pecuniary interest. He / she may return to the meeting after it has considered the matter in which he /she had the interest.
- c Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he / she has another interest if so required by the Council's code of

conduct. He / she may return to the meeting after it has considered the matter in which he / she had the interest.

- d Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made by a meeting of the Council, or committee or sub-committee for which the dispensation is required and that decision is final.
- f A dispensation request shall confirm:
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f), a dispensation request shall be considered at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required.
- h A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:
  - i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;
  - ii. granting the dispensation is in the interests of persons living in the Council's area; or
  - iii. it is otherwise appropriate to grant a dispensation.

When determining a request for dispensation, Council may:

- (a) Reject the dispensation request
  - (b) Grant the Councillor approval to speak but not vote
  - (c) Grant the Councillor approval to speak and vote
  - (d) Grant the dispensation for a particular meeting or for a period of time.
- Commonly dispensations may be granted for the term of office.

## **Complaints, investigations and Decisions on Allegations (Section 28 (6) of the Localism Act 2011**

- 21. The handling of code of conduct complaints is the exclusive responsibility of the principal authority, Uttlesford District Council. Ss28(6) and (9) of the 2011 Act



require a principal authority to have in place arrangements to investigate and determine allegations that a member of a town or parish council in its area has failed to comply with his/her council's code of conduct.

Any complaints regarding the conduct of a Saffron Walden Town Councillor must be submitted to Uttlesford District Council for investigation. Should a breach of the code be determined, UDC will advise and recommend a course of action and/or recommended sanctions for imposing on the individual; these are recommendations only which will not be binding on the Town Council.

## **Disqualification for election and holding office as member of local authority**

22. Disqualifications for election and holding office as member of local authority.

- (1) Subject to the provisions of section 81 of the Local Government Act 1972, a person shall be disqualified for being elected or being a member of a local authority if he—
  - (a) holds any paid office or employment (other than the office of chairman, vice-chairman, deputy chairman, presiding member or deputy presiding member or, in the case of a local authority which are operating executive arrangements which involve a leader and cabinet executive, the office of executive leader or member of the executive) appointments or elections to which are or may be made or confirmed by the local authority or any committee or sub-committee of the authority or by a joint committee or National Park authority on which the authority are represented or by any person holding any such office or employment; or
  - (b) is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order, or a debt relief restrictions order or interim debt relief restrictions order under Schedule 4ZB of the Insolvency Act 1986; or
  - (d) has within five years before the day of election or since his election been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine; or
  - (e) is disqualified for being elected or for being a member of that authority under Part III of the Representation of the People Act 1983.

(2) Subject to the provisions of section 81 below, a paid officer of a local authority who is employed under the direction of—

(a) a committee or sub-committee of the authority any member of which is appointed on the nomination of some other local authority; or

(b) a joint board, joint authority, economic prosperity board, combined authority or joint committee on which the authority are represented and any member of which is so appointed;

shall be disqualified for being elected or being a member of that other local authority.

## APPENDIX A: DISCLOSABLE PECUNIARY INTERESTS

A1. You have a disclosable pecuniary interest in any business of the Council if:

- it is of a kind described in A2 below;
- it is an interest held by you or by another “relevant person” as set out in A3 below; and
- in the case an interest held by another “relevant person”, you are aware that the other person has the interest.

A2. The table below sets out the nature of “disclosable pecuniary interests”. As an elected or co-opted member, you fall within the description “relevant person”, as well as others described in A3 below.

Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred by you in carrying out your duties as a member or towards your election expenses.  This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) 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 which is within the Council's area.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	Any tenancy where to your knowledge - a) the landlord is the Council; and b) the tenant is a body in which the relevant person has a beneficial interest
Securities	Any beneficial interest in securities of a body where - a) that body (to your knowledge) has a place of business or land in the Council's area; and b) either - (i) the total nominal value of the securities exceeds £25000 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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

A3 As explained, you will have a disclosable pecuniary interest if you or another "relevant person" has an interest described in A2. The following are "relevant persons":

- You, as an elected or co-opted member of the Council.
- Any of the following:
  - Your spouse or civil partner,
  - A person with whom you are living as husband and wife,
  - A person with whom you are living as if you are civil partners.

A4. You will only have a disclosable pecuniary interest through another person if you are aware that the other person has that interest.

A5. The following are statutory definitions to be used for the interpretation of the table in A2:

“body in which the relevant person has a beneficial interest”	means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;
“director”	includes a member of the committee of management of a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014, other than a society registered as a credit union
“land”	excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;
“member”	includes a co-opted member;
“relevant period”	means the period of 12 months ending with the day on which a member gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Localism Act;
“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: PERSONAL INTERESTS

Even if an interest does not amount to a disclosable pecuniary interest, you will have a personal interest in an item of Council business in these circumstances:

- B1. The item of business relates to or is likely to affect any person or body who employs or has appointed you. Or
- B.2 A decision in relation to that business might reasonably be regarded as affecting your financial position or wellbeing or that of a related person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected by the decision. Or
- B.3 The item of business relates to or is likely to affect:
- Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council.
  - 20.
  - Any body of which you or a related person are a member or in a position of general control or management which does one or more of the following:
    - exercises functions of a public nature;
    - is directed towards charitable purposes; or
    - seeks, as one of its principal purposes to influence public opinion or policy (including any political party or trade union)

- The interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50.

B.4 “Related Persons”. The following are “related persons” in determining whether you have a personal interest:

- A member of your family or any person with whom you have a close business or personal association.
- Any person who employs or has appointed such persons, any firm in which they are a partner or any company of which they are directors.
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000.00 or one percent of the total issued share capital (whichever is the lower)