



Councillor Code of Conduct Guidance

FINAL DRAFT

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Part 1 - Application of the Code of Conduct

1.0 When does the Code Apply?

1.1 S27(2) of the Localism Act 2011 says that a local authority must adopt ‘a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.’

1.2 The term ‘capacity’ is not further defined in the Act. However, the Code states that:

The 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.*

This means it applies when you are carrying out your official duties, for example when you are considering or discussing local authority business, either as a councillor or representing the local authority on an outside body.

1.3 There is no formal description of what the role of a councillor is, but aside from formal local authority business it would include promoting and representing the local authority in the local community and acting as a bridge between the community and the local authority. The Code therefore, has much wider implications than solely when you are in local authority meetings or on local authority premises.

1.4 The code applies to all forms of communication and interaction, whether with the public, fellow councillors or local authority officers, including:

- Face-to-face meetings
- Online or telephone meetings
- Written communications
- Verbal communications
- Non-verbal communications
- In electronic and social media communication, posts, statements and comments

2.0 Acting as a private individual

2.1 For something to fall within the code there must be a clear link to a local authority function or your role as a councillor. For example, an argument with a neighbour which does not relate to local authority business would not engage the code, even if your neighbour happens to know you are a councillor and therefore complains to the local authority about being treated disrespectfully.

3.0 In what circumstances might I give the impression to a reasonable member of the public that I was engaged on local authority business?

3.1 When you use or attempt to use your position as a councillor to seek to gain an advantage for yourself or someone close to you or to disadvantage someone this is an attempt to misuse your position and therefore falls within the scope of the Code of Conduct.

3.2 A number of factors will need to be taken into account to determine whether or not you had used or attempted to use your position as a councillor. For example:

- writing to someone on local authority headed paper or using a local authority email address may lead someone to assume you were writing in your capacity as a councillor
- Handing out a business card where you describe yourself as a councillor may lead to an assumption that you were acting in that capacity
- Wearing official Council regalia.

EXAMPLE:

A councillor returning from a party got into an argument with a taxi driver. When he arrived home, he refused to pay the fare and when he spoke to the manager of the taxi company, he said that he was a councillor and would make sure that the taxi driver's licence was withdrawn by the council. While he was entitled to dispute the payment if he was dissatisfied with the service he had received he was found to have breached the code by invoking his office and seeking to misuse his position to intimidate the manager and driver and to seek to gain an advantage for himself, notwithstanding the fact that he did not in reality have the ability to carry out his threat.

4.0 Social media postings

- 4.1 Simply describing yourself as a councillor in a social media posting or at the top of your page or in your username or profile, for example, does not of itself mean that every posting you make is covered by the Code. There must be a link within the individual posting or thread to your role as a councillor or to local authority business. However, even if you do not describe yourself as a councillor you may fall within the scope of the Code if you are discussing local authority business.
- 4.3 For example, a posting which is simply discussing a recent football match is not covered by the code even if you have described yourself as a councillor. However, if you make a posting threatening a fellow councillor or officer that would fall within the code even if you have not described yourself as a councillor as it relates to local authority business or your role as a councillor.

EXAMPLES:

Following a heavy snowstorm which meant a local street market could not go ahead a councillor posted on the local community Facebook page that a certain local authority officer should be sacked for failing to put adequate arrangements in place to clear the snow. Even though it was not posted on a local authority page and he did not explicitly describe himself as a councillor in the post he was found to have breached the code by treating an officer with disrespect and seeking to put undue pressure on officers.

A councillor who described himself as such in his Twitter profile made insulting and offensive comments about the Prime Minister which led to complaints being made to his local authority. He was found not to have breached the code as the comments did not directly relate to his role as a councillor or local authority business but were seen as wider political comments.

- 4.4 You should be very careful when describing yourself as a councillor as seeing the word “councillor” may lead to assumptions amongst the community that you are acting as a councillor.
- 4.5 To help avoid some of these issues, some councillors have found it helpful to have separate social media profiles for personal and local authority use, though even the strictest privacy settings are no guarantee that posts or actions will remain private. As a rule of thumb, never post anything online you

would not be comfortable saying or sharing in a public meeting. The Council's guidance on the effective use of social media is there to support you.

5.0 What does acting as a representative of my local authority mean?

- 5.1 You are acting as a representative of the local authority when you are sitting on an outside body to which you have been appointed by the local authority, for example.
- 5.2 You would also be considered a representative of the local authority where you were attending an external function or conference on behalf of the local authority or as the local authority's nominated delegate.
- 5.3 You would not be considered as a representative of the local authority where you were attending an event in a party-political role, for example at a political party's annual conference. In that situation you would be subject to any relevant party rules.
- 5.4 Matters in party group meetings would also normally not be covered by the code as they are more matters for a party to regulate. However, if you are clearly trying to improperly influence fellow councillors or put undue pressure on them in relation to local authority business for example then relevant provisions of the code would apply. The same would apply to social media groups you may be a member of, such as a WhatsApp group set up for your local authority group.

6.0 What if I sit on more than one local authority?

- 6.1 If you sit on more than one local authority, you are subject to the code and associated procedures of the local authority you are representing at any one time.

7.0 What is a Co-Opted member?

- 7.1 The code also applies to co-opted members under the Localism Act. A co-opted member under the Act is someone who is entitled to vote on any matter to be decided at a local authority committee or sub-committee.
- 7.2 It does not, therefore, include co-opted members who do not have voting rights, nor does it cover, for example, an Independent Person appointed under s28 of the Localism Act to support the local authority on standards matters.

- 7.3 However, it is good practice for such persons to agree to abide by the Code and to inform the Monitoring Officer of any interests they might have. While they would not formally fall within the statutory framework for complaint handling, they can be removed from their role by the local authority should they be found to have committed a serious breach of the code so it is important that they are also aware of the expected standards of behaviour.

Part 2 - General Obligations under the Code of Conduct

NOTE: The paragraph references contains within the green boxes under the section headings below are to the relevant paragraph numbers within the Councillors Code of Conduct

1.0 Respect

As a Councillor:

- 1.1 I treat other Councillors and members of the public with respect.
- 1.2 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.

- 1.1 Showing respect to others is fundamental to a civil society. As an elected or appointed representative of the public, it is important to treat others with respect and to act in a respectful way. Respect means politeness, courtesy and civility in behaviour, speech, and in the written word. Rude, offensive and disrespectful behaviour lowers the public's expectations and confidence in its elected representatives.

Respect

- 1.2 The key roles and responsibilities of councillors; representing and serving your communities and taking decisions on their behalf require councillors to interact and communicate effectively with others. Examples of councillor interaction and communication include talking to constituents, attending council meetings, representing the council on outside bodies and participating in community meetings and events. In turn this means that as a councillor you are required to interact with many different people, often from diverse backgrounds and with different or conflicting needs and points of view.
- 1.3 You will engage in robust debate at times and are expected to express, challenge, criticise and disagree with views, ideas, opinions and policies. Doing these things in a respectful way will help you to build and maintain

healthy working relationships with fellow councillors, officers and members of the public, it encourages others to treat you with respect and helps to avoid conflict and stress. Respectful and healthy working relationships and a culture of mutual respect can encourage positive debate and meaningful communication which in turn can increase the exchange of ideas, understanding and knowledge.

- 14 Examples of ways in which you can show respect are by being polite and courteous, listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, showing appreciation and thanks and being kind. In a local government context this can mean using appropriate language in meetings and written communications, allowing others time to speak without interruption during debates, focusing any criticism or challenge on ideas and policies rather than personalities or personal attributes and recognising the contribution of others to projects.

Disrespectful behaviour

- 1.5 Failure to treat others with respect will occur when unreasonable or demeaning behaviour is directed by one person against or about another. The circumstances in which the behaviour occurs are relevant in assessing whether the behaviour is disrespectful. The circumstances include the place where the behaviour occurs, who observes the behaviour, the character and relationship of the people involved and the behaviour of anyone who prompts the alleged disrespect.
- 1.6 Disrespectful behaviour can take many different forms ranging from overt acts of abuse and disruptive or bad behaviour to insidious actions such as the demeaning treatment of others. It is subjective and difficult to define. However, it is important to remember that any behaviour that a reasonable person would think would influence the willingness of fellow councillors, officers or members of the public to speak up or interact with you because they expect the encounter will be unpleasant or uncomfortable fits the definition of disrespectful behaviour.
- 1.7 Examples of disrespect in a local government context might include rude or angry outbursts in meetings, use of inappropriate language in meetings or written communications such as swearing, ignoring someone who is attempting to contribute to a discussion, attempts to shame or humiliate others in public, nit-picking and fault-finding, the use of inappropriate sarcasm in communications and the sharing of malicious gossip or rumours.

- 1.8 Disrespectful behaviour can be harmful to both you and to others. It can lower the public's expectations and confidence in you and your council and councillors and politicians more generally. It influences the willingness of fellow councillors, officers and the public to speak up or interact with you because they expect the encounter will be unpleasant or uncomfortable. Ongoing disrespectful behaviour can undermine the willingness of officers to give frank advice, damage morale at a council, and ultimately create a toxic culture and has been associated with instances of governance failure.

Freedom of expression

- 1.9 The requirement to treat others with respect must be balanced with the right to Freedom of expression. Article 10 of the European Convention on Human Rights protects your right to hold your own opinions and to express them freely without government interference. This includes the right to express your views aloud or in writing, such as in published articles or leaflets or on the internet and social media. Protection under Article 10 extends to the expression of views that may shock, disturb or offend the deeply-held beliefs of others.
- 1.10 However, Article 10 is not an absolute but a qualified right which means that the rights of the individual must be balanced against the interests of society. Whether a restriction on freedom of expression is justified is likely to depend on a number of factors, including the identity of the speaker, the context of the speech and its purpose, as well as the actual words spoken or written. Democracy depends on people being free to express, debate and criticise opposing viewpoints. The courts have generally held that the right to free expression should not be curtailed simply because other people may find it offensive or insulting. A balance must still be struck between the right of individuals to express points of view which others may find offensive or insulting, and the rights of others to be protected from hatred and discrimination.
- 1.11 Freedom of expression is protected more strongly in some contexts than others. In particular, a wide degree of tolerance is accorded to political speech, and this enhanced protection applies to all levels of politics, including local government. Whilst in a political context, Article 10 protects the right to make incorrect but honestly made statements, it does not protect statements which the publisher knows to be false. Political expression is a broad concept and is not limited to expressions of or critiques of political views but extends to all matters of public administration and public concern including comments about the adequacy or inadequacy of performance of public duties by others.

On the other hand, gratuitous personal comments do not fall within the definition of political expression.

- 1.10 Councillors should consider, therefore, both what they are expressing and the way they are expressing it. They should be able to undertake a scrutiny role, represent the public and any stakeholders, or make a political point in a respectful, courteous and appropriate manner without resorting to personal attacks, being offensive, abusive and / or unduly disruptive.
- 1.11 Public servants such as local government officers are subject to wider levels of acceptable criticism than other members of the public when matters of public concern are being discussed. However, the limits are not as wide as they are for elected politicians such as councillors. It may be necessary, for example, to protect officers from offensive and abusive verbal attacks as it is in the public interest that officers are not subjected to unwarranted comments that prevent them from performing their duties

Frequently asked questions	
Q.	Is the respect provision of the Code a gag on councillors?
A.	The provision on respect is not intended to stand in the way of lively debate in local authorities. Such discussion is a crucial part of the democratic process. Differences of opinion and the defence of those opinions through councillors' arguments and public debate are an essential part of the cut and thrust of political life. Councillors should be able to express their opinions and concerns in forceful terms. Direct language can sometimes be appropriate to ensure that matters are dealt with properly. The code is not intended to stifle the expressions of passion and frustration that often accompany discussions about local authority business.
Q.	Can councillors criticise officers?
A.	Yes. In some cases, officers have been known to reject reasonable criticism appropriately made and describe it as disrespectful or bullying. The Code of Conduct is not intended to constrain councillors' involvement in local governance, including the role of councillors to challenge performance. Councillors are able to question and probe poor officer performance provided it is done in

	<p>an appropriate way. In the everyday running of a local authority, it is inevitable that councillors may have disagreements with officers from time to time.</p> <p>The respect paragraph of the Code does not mean that councillors cannot express disagreement with officers. This disagreement might, in the appropriate context, manifest itself in criticism of the way in which an officer or officers handled particular matters.</p> <p>It is important that members raise issues about poor performance in the correct way and at the proper forum, such as in a private meeting with a senior manager, and not in a public meeting or through a published attack in the media.</p> <p>If a councillor’s criticism is a personal attack or is offensive in nature it is likely to be unacceptable. Councils should have clearly defined policies, procedures and occasions where those sorts of issues can properly be raised. It is only where councillors’ conduct is unfair, unreasonable or demeaning that the Code will be relevant.</p>
Q.	What kinds of conduct are not covered?
A.	<p>A very clear line has to be drawn between the Code of Conduct’s requirement of respect for others, including members of the authority with opposing views, and the freedom to disagree with the views and opinions of others. In a democracy, members of public bodies should be able to express disagreement publicly with each other.</p> <p>A rule of thumb is expressed in this comparison:</p> <p>“You’re talking drive!” is likely to be an acceptable expression of disagreement.</p> <p>Calling someone a “incompetent moron”, on the other hand, is more likely to be a failure to comply with Paragraph 1.</p> <p>The first comment is aimed at the expression of an idea or argument. The second is aimed at the person and their personal characteristics.</p>
Q.	What if a member of the public is being unnecessarily disrespectful to me?
A.	Councillors are allowed to respond to criticism, and where that

criticism is robust, then they can be robust in response. However, councillors should always seek to try to be civil and demonstrate leadership in their communication. Even where councillors have been wrongly accused, responding in an angry, defensive way can often escalate the situation.

2.0 Bullying

As a Councillor:

2.1 I do not bully any person.

- 2.1 Bullying, harassment, discrimination, and victimisation (either directly or indirectly) are unacceptable and should not be tolerated. It is important to recognise the impact such behaviour can have on any individual experiencing it, as well as on the wider organisation in terms of morale and operational effectiveness.
- 2.2 Bullying may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying may exploit existing power relations or may create power imbalances. Such conduct is usually part of a pattern of behaviour which attempts to undermine an individual or a group of individuals, is detrimental to their confidence and capability, and may adversely affect their health.
- 2.3 Bullying can take the form of physical, verbal, and non-verbal conduct but does not need to be related to protected characteristics. Bullying behaviour may be in person, by telephone or in writing, including emails, texts, or online communications such as social media. The standards of behaviour expected are the same, whether you are expressing yourself verbally or in writing.
- 2.4 Bullying can affect anyone, in any career, at any time, at any level and within any workplace. Such behaviour can take the form of easily noticed, physically threatening or intimidatory conduct with immediate impact, or it can take place behind closed doors, or be much more subtle or camouflaged and difficult to identify, at least at first. It can start, for example, with what appear to be minor instances, such as routine 'nit-picking' or fault-finding, but which become

cumulative or develop into more serious behaviour over time, enabling the perpetrator to isolate and control the person.

- 2.5 Some bullies lack insight into their behaviour and are unaware of how others perceive it. Others know exactly what they are doing and will continue to bully if they feel they are unlikely to be challenged. Bullying can sometimes be overlooked, as a result of common euphemisms being used by way of explanation or justification, referring to someone as having a “poor leadership style” or a “bad attitude,” for example, or to the problem being due to a “personality clash”.
- 2.6 You should always be mindful of the overall potential impact of the behaviour on others. First and foremost, bullying can have a significant impact on the recipient’s well-being and health. Bullying can have an impact on a local authority’s effective use of resources and provision of services. Officers who are subject to bullying are frequently away from their posts, sometimes for extended periods, on sickness or stress-related leave. Bullying can impact on a councillor’s ability to represent their residents effectively. It can also discourage candidates from standing in local elections, making local authorities less representative of their communities, and impacting local democracy.
- 2.7 Like disrespectful behaviour, bullying can be difficult to define. When allegations of bullying are considered it’s likely that the person handling the complaint will consider both the perspective of the alleged victim, and whether the councillor intended their actions to be bullying. They will also consider whether the individual was reasonably entitled to believe they were being bullied.
- 2.8 Conduct is unlikely to be considered as bullying when it is an isolated incident of a minor nature, where it is targeted at issues, rather than at an individual’s conduct or behaviour, or when the behaviour by both the complainant and councillor contributed equally to the breakdown in relations. However, the cumulative impact of repeated 'minor' incidents should not be underestimated.

Examples of bullying include but are not limited to:

- verbal abuse, such as shouting, swearing, threats, insults, sarcasm, ridiculing or demeaning others, inappropriate nicknames, or humiliating language
- physical or psychological threats or actions towards an individual or their personal property

- using inappropriate humour to demean, or belittle someone, the position or any protected characteristic under the Equality Act 2010;
- overbearing or intimidating levels of supervision, including preventing someone from undertaking their role or following agreed policies and procedures
- inappropriate comments about someone’s performance
- abuse of authority or power, such as placing unreasonable expectations on someone in relation to their job, responsibilities, or hours of work, or coercing someone to meet such expectations
- ostracising or excluding someone from meetings, communications, work events or socials
- sending, distributing, or posting detrimental material about other people, including images, in any medium
- smear campaigns.

Frequently asked questions	
Q.	Does this mean that councillors cannot raise concerns about officers or fellow councillors?
A.	Bullying behaviour should be contrasted with the legitimate challenges which a councillor can make in challenging policy or scrutinising performance. An example of this would be debates in the chamber about policy or asking officers to explain the rationale for the professional opinions they have put forward. You are entitled to challenge fellow councillors and officers as to why they hold their views. However, if your criticism is a personal threat or abusive or offensive in nature, you are likely to cross the line of what is acceptable behaviour.
Q.	How can bullying conduct be prevented from developing?
A.	Ideally, a culture of honest and clear communication should be sought, with respect for the individual and for the confidentiality required when managing individual performance-related issues. The bullying of officers might be reduced by establishing a specific protocol, which addresses issues such as member-officer work relations and appropriate behaviour.

3.0 Harassment

As a Councillor:

2.2 I do not harass any person.

- 3.1 The Protection from Harassment Act 1997 states that harassment includes behaviour which alarms a person or causes a person 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 victim in a manner that could be expected to cause distress or fear in any reasonable person. Harassment of any kind whether direct or indirect is in no-one's interest and should not be tolerated. It is important to recognise the impact such behaviour can have on any individual experiencing it, as well as on the wider organisation in terms of morale and operational effectiveness.
- 3.2 Like bullying, harassment can take the form of physical, verbal, and non-verbal conduct but does not need to be related to protected characteristics. Harassment may be in person, by telephone or in writing, including emails, texts, or online communications such as social media. It may manifest obviously or be hidden or insidious.
- 3.3 The factors likely to be considered when assessing allegations of harassment are whether the councillor knows or ought to know that their actions constitute harassment, whether a reasonable person would consider the actions to be harassment and the impact of the behaviour/conduct on the victim.
- 3.5 Examples of harassment include but are not limited to:
- sending unwelcome emails
 - unnecessarily repetitive, intrusive questioning
 - unwelcome physical contact such as touching or invading 'personal space'
 - haranguing
 - intimidation
 - inappropriate remarks or questioning such as comments about someone's appearance, lewd comments, and offensive jokes
 - overbearing or intimidating levels of supervision, including preventing someone from undertaking their role or following agreed policies and procedures

- inappropriate comments about someone's performance
- placing unreasonable expectations on someone in relation to their job, responsibilities, or hours of work, or coercing someone to meet such expectations
- sexual harassment

4.0 Discrimination

As a Councillor:

2.3 I promote equalities and do not discriminate unlawfully against any person.

- 4.1 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.
- 4.2 The Equality Act 2010 imposes positive duties on local authorities to promote equality and to eliminate unlawful discrimination and harassment. Under the Act your authority may be liable for any discriminatory acts which you commit. This will apply when you do something in your official capacity in a discriminatory manner. You must be careful not to act in a way which may amount to any of the prohibited forms of discrimination, or to do anything which hinders your authority's fulfilment of its positive duties under the Act. Such conduct may cause your authority to break the law, and you may find yourself subject to a complaint that you have breached this paragraph of the Code of Conduct. If you are unsure about the particular nature of the duties of your authority you should seek advice from the monitoring officer or clerk.
- 4.3 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

4.4 The provisions of the Equality Act are complex. Broadly speaking there are four main forms of discrimination:

Direct discrimination: treating people differently because of their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation.

Indirect discrimination: treatment which does not appear to differentiate between people because of their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation but which disproportionately disadvantages them.

Harassment: engaging in unwanted conduct on the grounds of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation, which violates another person's dignity or creates a hostile, degrading, humiliating or offensive environment.

Victimisation: treating a person less favourably because they have complained of discrimination, brought proceedings for discrimination, or been involved in complaining about or bringing proceedings for discrimination.

Examples of discriminatory behaviour include but are not limited to:

- Exclusion or victimisation based on the Protected Characteristics;
- Treating someone less favourably or limiting their opportunities based on any of the Protected Characteristics;
- Comments, slurs, jokes, statements, questions or gestures that are derogatory or offensive to an individual's or group's characteristics;
- Promoting negative stereotypes relating to individual's or group's characteristics;
- Racial or ethnic slurs, insults or jokes;
- Intolerance toward religious customs;
- Mimicking, mocking or belittling a person's disability;
- Homophobic, biphobic or transphobic comments or slurs;
- Discriminating against pregnant people or mothers;
- Declaring ('outing') someone's religion or sexuality or threatening to do so against their will;
- Deliberate, unwarranted application of an authority's practice, policy or rule in a way that may constitute indirect discrimination

Frequently asked questions

Q. How can councillors cause their authority to be in breach of the Equality Act?

A. The Code of Conduct is not intended to stifle democratic debate. Councillors should always remember that Article 10 of the European Convention on Human Rights gives a high level of protection to comments that are genuinely made in the course of political debate, even if most people would find them offensive.

A councillor must be careful not to conduct themselves in a way which may amount to any of the prohibited forms of discrimination, or to do anything which hinders their authority's fulfilment of its positive duties under the Equality Act 2010. Such conduct may cause their authority to breach an equality enactment and lead to a complaint that they have breached this paragraph of the Code.

Merely arguing, or even voting, against a proposal which is aimed at complying with a positive anti-discriminatory duty would not be enough by itself to risk breaking this part of the Code. Simply having a party-political or personal position on an issue is unlikely to amount to a breach of this provision because it does not, of itself, involve the council doing anything.

Under the Equality Act 2010, an authority is made liable for any discriminatory acts which a councillor commits. This will apply where they say or do something in their official capacity in a discriminatory manner.

5.0 Impartiality of officers

As a Councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

5.1 Both councillors and officers are servants of the public and are indispensable to one another. Together, they bring the critical skills, experience and knowledge required to manage an effective local authority.

- 5.2 At the heart of this relationship, is the importance of mutual respect. Councillor-officer relationships should be conducted in a positive and constructive way. Therefore, it is important that any dealings between councillors and officers should observe reasonable standards of courtesy, should show mutual appreciation of the importance of their respective roles and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.
- 5.3 Councillors provide a democratic mandate to the local authority and are responsible to the electorate whom they represent. They set their local authority's policy framework, ensure that services and policies are delivered and scrutinise local authority services.
- 5.4 Councillors of the executive, chairs and vice chairs of committees have additional responsibilities. These responsibilities will result in increased expectations and relationships with officers that are more complex. Such councillors must still respect the impartiality of officers and must not ask them to undertake work of a party-political nature or compromise their position with other councillors or other officers.
- 5.5 Officers provide the professional advice and managerial expertise and information needed for decision making by councillors and to deliver the policy framework agreed by councillors. They are responsible for implementing decisions of councillors and the day-to-day administration of the local authority.
- 5.6 The roles are very different but need to work in a complementary way.
- 5.7 It is important for both sides to respect these differences and ensure that they work in harmony. Getting that relationship right is an important skill. That is why the code requires councillors to respect an officer's impartiality and professional expertise. In turn officers should respect a councillor's democratic mandate as the people accountable to the public for the work of the local authority. It is also important for a local authority to have a councillor-officer protocol which sets out how this relationship works and what both councillors and officers can expect in terms of mutual respect and good working relationships.
- 5.8 Officers may sometimes give you advice that you do not want to hear or does not suit your political views. They must be allowed to do this without fear of recriminations to allow for good decision-making looking at all relevant options.

- 5.9 That means in your dealing with officers you must not seek to influence them improperly or put undue pressure on them. For example, you should not get officers to help you prepare party political material, or to help you with matters relating to your private business. You should not provide or offer any incentive or reward in return for acting in a particular way or reaching a particular decision.
- 5.10 Other than political assistants, officers are required to remain politically neutral and not demonstrate their support for specific parties or candidates.
- 5.11 The fundamentally held principle is that “the local government system of the UK has long resided on a bond of trust between elected members and a permanent corps of local government officer... that relationship of trust stems from the right of council members to expect that they are being assisted in their functions by officers who are politically neutral and whose loyalty is to the council as a whole [*Ahmed v United Kingdom* (2000) 29 EHRR 1].

EXAMPLES:

A councillor became involved in a social care case on behalf of a constituent during which time he inappropriately sought to influence operational decision-making and sent discourteous and disrespectful correspondence to the officers. In doing so, he lost sight of his overall responsibility to the local authority to allow its officers to perform their statutory functions. He was found to have breached the Code of Conduct.

A councillor who, over a period of six months, persistently sought to influence the decisions of officers dealing with a complaint by his son and daughter-in-law against their local authority tenant neighbour was found, through his actions, to have compromised the impartiality of the officers and to have used his position improperly to promote the interest of his family and to have brought the role of councillor into disrepute in breach of the Code of Conduct.

6.0 Confidentiality and access to information

As a Councillor:

- 4.1 I do not disclose information:
 - a. given to me in confidence by anyone;
 - b. 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; or
 - c. which is exempt information within the meaning of Section 100F and Part 1 of Schedule 12A of the Local Government Act 1972
- 4.2 I do not 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.
- 4.3 I do not prevent anyone from getting information that they are entitled to by law.

- 6.1 Local authorities must work openly and transparently. 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.

Confidential information and disclosure

- 6.2 While local authority business is by law generally open and local authorities should always operate as transparently as possible, there will be times – for example, when discussing a named individual, confidential HR matters or

commercially sensitive information – when it is appropriate for local authority business to be kept confidential or treated as exempt information.

6.3 In those circumstances, you must not disclose confidential information, or information which you believe to be of a confidential nature, unless:

- you have the consent of the person authorised to give it
- you are required by law to do so
- the disclosure is made to a third party for the purposes of obtaining professional advice (for example, your lawyer or other professional adviser) provided that person agrees not to disclose the information to any other person
- the disclosure is in the public interest

6.4 Disclosure ‘in the public interest’ is only justified in limited circumstances, when all the following four requirements are met:

- the disclosure must be reasonable
- the disclosure must be in the public interest
- the disclosure must be made in good faith
- the disclosure must be made in compliance with any reasonable requirements of your authority

6.5 In relation to the disclosure of confidential information in the public interest, the four requirements are outlined in more detail below.

6.6 The first requirement, that the disclosure must be reasonable, requires you to consider matters such as:

- Whether you believe that the information disclosed, and any allegation contained in it, is substantially true. If you do not believe this, the disclosure is unlikely to be reasonable.
- Whether you make the disclosure for personal gain. If you are paid to disclose the information, the disclosure is unlikely to be reasonable.
- The identity of the person to whom the disclosure is made. It may be reasonable to disclose information to the police or to an appropriate regulator. It is less likely to be reasonable for you to disclose the information to the world at large through the media.
- The extent of the information disclosed. The inclusion of unnecessary detail, and in particular, private matters such as addresses or telephone numbers, is likely to render the disclosure unreasonable.
- The seriousness of the matter. The more serious the matter disclosed, the more likely it is that the disclosure will be reasonable.

- The timing of the disclosure. If the matter to which the disclosure relates has already occurred, and is unlikely to occur again, the disclosure may be less likely to be reasonable than if the matter is continuing or is likely to reoccur.
 - Whether the disclosure involves your authority failing in a duty of confidence owed to another person.
- 6.7 The second requirement, that the disclosure must be in the public interest, needs to involve one or more of the following matters or something of comparable seriousness, that has either happened in the past, is currently happening, or is likely to happen in the future:
- a criminal offence is committed.
 - your local authority or some other person fails to comply with any legal obligation to which they are subject.
 - a miscarriage of justice occurs.
 - the health or safety of any individual is in danger.
 - the environment is likely to be damaged.
 - that information tending to show any matter falling within the above is deliberately concealed.
- 6.8 The third requirement, that the disclosure is made in good faith, will not be met if you act with an ulterior motive, for example, to achieve a party-political advantage or to settle a score with a political opponent.
- 6.9 The fourth requirement, that you comply with the reasonable requirements of your local authority, means that before making the disclosure you must comply with your local authority's policies or protocols on matters such as whistle-blowing and confidential information. You must first raise your concerns through the appropriate channels set out in such policies or protocols.
- 6.10 In summary, to decide whether the disclosure is reasonable and in the public interest, you may need to conduct a balancing exercise weighing up the public interest in maintaining confidentiality against any countervailing public interest favouring disclosure. This will require a careful focus on how confidential the information is, on any potentially harmful consequences of its disclosure, and on any factors, which may justify its disclosure despite these potential consequences. If in doubt you should always seek advice from the monitoring officer. Always keep a note of the reason for your decision.

- 6.11 In some situations, it is extremely unlikely that a disclosure can be justified in the public interest. These will include where the disclosure amounts to a criminal offence, or where the information disclosed is protected by legal professional privilege.

Access to Information

- 6.12 Transparency is a very important principle underpinning local democracy and public decision-making. The public are entitled to see information about the way decisions are made unless there are specific reasons why that information is confidential. Your local authority should have a publication scheme setting out what information is accessible to the public and you as an individual councillor must not prevent any person from accessing information which they are entitled to by law. This includes information under the Freedom of Information Act 2000 or those copies of minutes, agendas, reports, and other documents of your local authority which they have a right to access.
- 6.13 As a councillor, you are not automatically entitled to access all information the local authority holds. For example, the local authority may deal with highly confidential and sensitive information about employees or about residents involved in complex cases.
- 6.14 In addition to rights set out in law or conferred by your local authority constitution, you have a right to inspect documents if you can demonstrate a “need to know”. This isn’t a right to a roving commission but must be linked to your performance of your duties and functions as a councillor. For example, the need could more easily be demonstrated by membership of a relevant committee, such as a staffing committee than simply because you are interested in seeing the information. Local authorities have more justification for denying free access to particularly sensitive papers such as childcare or staffing records. You should not seek to get information if you have a declarable interest in it, unless that information is about you personally in which case you have the same (but no greater) rights (e.g. ability to make a data subject access request) as any member of the public.
- 6.15 Most local authorities will have a nominated officer you can seek advice from if you feel you are not being given access to information you seek.
- 6.16 You can also exercise the “need to know” in respect of attending meetings. Access to Information Rules set out an Overview and Scrutiny Committee’s rights of access to documents and additional rights of access to documents for councillors to carry out their functions.

6.17 Where you are given access to documents which are not available to members of the public, you should ensure that any confidential information is used and protected in an appropriate and secure manner and shared with authorised persons only.

Frequently asked questions	
Q.	Does confidentiality under the code apply only to information which is classified as confidential or exempt by law?
A.	<p>No. The code goes wider than matters simply considered in a formal local authority setting. Information is a broad term. It includes facts, advice, and opinions. It covers written material, including tapes, videos, CDs, DVDs, and other electronic media. It covers material in unwritten form, including intellectual property. Information can only be confidential if all the following apply:-</p> <ul style="list-style-type: none"> • it has the necessary ‘quality of confidence’ about it (trivial information will not be confidential but information that you would expect people to want to be private would be); • it was divulged in circumstances importing an obligation of confidence (information properly in the public domain will not be confidential); • disclosure of it would be detrimental to the party wishing to keep it confidential. <p>For example, you may be told confidential information by a constituent in the course of your duties. That is why the code is written broadly to cover information classed as confidential which you may come across in your duties.</p> <p>You should use your judgment when you are given information. An individual does not have to explicitly say that information is confidential if they tell you something which a reasonable person would regard as sensitive. You may, however, wish to clarify if somebody tells you something whether they want you to treat it as confidential.</p>
Q.	What does consent by the person authorised to give it mean?
A.	If somebody, for example a constituent, has told you something in confidence – for example in the line of casework – you may later

	want to put that in the public domain as part of pursuing that case. You should always check with the individual before you disclose something you believe is confidential to ensure that they are comfortable with that information being disclosed. You should also be clear with them as to how you may use the information they give you to help resolve their issue.
Q.	In what circumstances am I required to disclose confidential information by law?
A.	This would be where a law enforcement agency or regulatory agency or the courts require the disclosure of such information.
Q.	Can I use local authority information for matters outside the local authority?
A.	<p>A councillor is entitled to access information held by the local authority for the performance of their duties as a councillor. If a councillor wishes to use local authority information for any purpose other than in connection with their duties as a councillor, and that information is not in a publicly available document, however, then that councillor should submit a freedom of information request so that it can be given to them to use freely.</p> <p>The general rule is that any information held by the local authority and given directly to a councillor may only ever be used for the purpose for which it was provided. That purpose may add particular restrictions, for example where it relates to an individual constituent or sensitive matter. The purpose should not be for anything other than use in connection with the proper performance of the councillor's duties as a councillor. The exceptions to this are where the information has already been published, it has been given as a result of a request under Freedom of Information or Environmental Information Regulations or it is in the public interest ('whistleblowing').</p>

EXAMPLES:

A councillor was assisting a resident in an adoption process, which the resident decided to subsequently withdraw from. The resident's estranged parent contacted the councillor for information as to what was happening with the case and the councillor inadvertently shared confidential information as she had not realised that father and son were estranged. This was found to be a breach of the code.

A councillor circulated information about an officer's medical condition to other councillors and a local headteacher with whom he was acquainted. He was found to have disclosed information which should reasonably be regarded as being of a confidential nature and without the officer's consent in breach of the Code of Conduct.

7.0 Disrepute

As a Councillor:

5.1 I do not bring my role or local authority into disrepute.

- 7.1 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 your role, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions.
- 7.2 In general terms, disrepute can be defined as a lack of good reputation or respectability. In the context of the Code of Conduct, a councillor's behaviour in office will bring their role into disrepute if the conduct could reasonably be regarded as either:
- a. reducing the public's confidence in them being able to fulfil their role; or
 - b. adversely affecting the reputation of your authority's councillors, in being able to fulfil their role.
- 7.3 Conduct by a councillor which could reasonably be regarded as reducing public confidence in their local authority being able to fulfil its functions and duties will bring the authority into disrepute.

- 7.4 Making unfair or inaccurate criticism of your authority in a public arena might well be regarded as bringing your local authority into disrepute. Inappropriate emails to constituents or inappropriate posts about your authority on social media might well bring the role of member into disrepute.

Frequently asked questions	
Q.	What distinguishes disrepute to “your role or local authority” from disrepute to you as a person?
A.	<p>The misconduct will need to be sufficient to damage the reputation of the councillor’s role or local authority, as opposed simply to damaging the reputation of the individual concerned.</p> <p>Certain kinds of conduct may damage the reputation of an individual but will rarely be capable of damaging the reputation of the role of councillor or the reputation of the authority.</p> <p>Here are some of the situations that might tip the balance in favour of disrepute to the role of councillor or to the authority in particular cases:</p> <ol style="list-style-type: none"> 1. Situations where councillors have put their private interests above the public interest, which they are expected to promote as councillors, and therefore reduced the standing of their role. For example, councillors using their position to secure a secret personal profit. 2. Similarly, situations where a councillor defies important and well-established rules of the authority for private gain. 3. Where a councillor engages in conduct which directly and significantly undermines the authority’s reputation as a good employer or responsible service provider.

EXAMPLES:

A councillor posted a tweet reading “Cllr Blogs why don’t you just throw in the towel, just go before you cause any more damage to the reputation of the council. You and some members of your cabinet have failed. I hope that the SFO is brought in to investigate your conduct. #failedleadership.” The complainant stated that she found the tweet ‘very offensive’ and bullying

and also considered that the tweet would reasonably bring the councillor's office and the authority into disrepute. The councillor was found to have brought his authority into disrepute by reducing public confidence in the council.

A councillor brought his role and authority into disrepute by taking advantage of a local authority mistake and failing to prevent local authority-employed contractors from working on his privately-owned home. The local authority mistakenly sent decorators to the home, an ex-local authority property. The councillor only told the local authority about the mistake after the work had been completed and then said he could not be charged for the work.

The chair of a local authority made a deeply inappropriate remark at a local authority meeting that was reported in the local media and was accused of bringing his role and authority into disrepute. It was clear in both the meeting and the local media reporting that other councillors expressed concerns about his comments and found them inappropriate. It was found that he had not brought his authority into disrepute but that he had brought his role into disrepute.

8.0 Misuse of position

As a Councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

8.1 Your position as a councillor 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.

8.2 You should not use, or attempt to use, your public office either for your or anybody else's personal gain or loss. For example, your behaviour would be improper if you sought to further your own private interests through your position as a councillor.

- 8.3 Involving yourself in a decision in which you have an interest, to seek to benefit yourself or another would be a breach of this paragraph of the code. For guidance on how to conduct yourself when you have an interest and how to balance your rights as an individual and your responsibilities as a public decision maker see the chapter on registration of interests.
- 8.4 Councillors who own land, or whose relatives or close associates own land, need to be particularly cautious where planning matters are concerned. Similarly, while it is reasonable to expect councillors to help constituents apply to the local authority, for example, for housing, it is quite improper to seek to influence the decision to be taken by the officers and this would be in breach of paragraph 3 of the Code.

Frequently asked questions	
Q.	What kind of attempts to advantage or disadvantage would be improper?
A.	<p>There are circumstances where it will be proper for a councillor to seek to confer an advantage or disadvantage and other circumstances where it will not.</p> <p>Being a councillor can involve making hard choices and balancing a range of interests. Most decisions will inevitably benefit some people and will be to the detriment of others. It's important when you make those decisions to make them in what you think is the public interest and not be influenced by private interests.</p> <p>For example, there can be no objection to councillors voicing their opposition to the closure of a local public library. This conduct is clearly intended to secure an advantage for the users of the library. What is crucial is that councillors' attempts to secure this advantage are clearly part and parcel of their duties as a local representative. Therefore, these activities are not improper.</p> <p>The term 'improperly' is not defined in the Code of Conduct. This ensures that the scope of the provision is not unnecessarily limited. The underlying principle is that councillors are elected or appointed to public office to serve the public interest.</p>

	A councillor's conduct would be improper if they were to use their public position to further private interests of themselves or associates, or to settle old scores with enemies, to the detriment of the public interest. Any conduct that unfairly uses a councillor's public position to promote private interests over the public interest will be improper.
Q.	What if the attempt to confer an advantage or disadvantage fails?
A.	<p>The wording of the Code of Conduct makes it clear that the use of position provision (paragraph 6) covers failed attempts as well as situations where an advantage or disadvantage has actually been achieved.</p> <p>For example, if you have tried to influence fellow councillors to vote in a particular way which would be to your personal advantage and/or that of your family/close associates you would have breached this provision of the code even if they did not in fact vote that way.</p>

EXAMPLES:

A councillor who was a 'joint co-ordinator' of a community group did not notify the local authority of her position in this group. She took part in the considerations and voted on the decision to negotiate a new lease in respect of a workshop used by this community group. A standards committee found that she had used her position improperly as the decision on which she voted benefited a group in which she clearly had an interest which she had not disclosed to the local authority.

A local authority leader failed to declare a conflict of interest relating to land he owned. The court found that he used his position as a councillor and instructed a planning officer to alter the road route to benefit his own land's value to a considerable extent. He was found guilty of misconduct in public life for trying to influence the route of a new by-pass to enclose his land in a new development belt, which would have significantly increased its value. He received an 18-month custodial sentence.

9.0 Misuse of local authority resources and facilities

7. Use of local authority resources and facilities

As a Councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local or authorising their use by others:

- act in accordance with the local authority's requirements; and
- ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.

9.1 You are provided with resources and facilities to assist you in carrying out your duties as a councillor. 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.

9.2 You must make sure you use the authority's resources for proper purposes only. It is not appropriate to use, or authorise others to use, the resources for political purposes, including party political purposes. When using the authority's resources, you must have regard, if applicable, to any Local Authority Code of Publicity made under the Local Government Act 1986.

9.3 You must be familiar with the rules applying to the use of resources made available to you by your local authority. Failure to comply with the local authority's rules is likely to amount to a breach of the code.

9.4 You should never use local authority resources for purely political purposes, including designing and distributing party political material produced for publicity purposes.

EXAMPLES:

A councillor used his computer equipment provided by his local authority for private purposes by downloading inappropriate adult pornographic images and sending a number of letters to a local newspaper, which he falsely

represented as being from members of the public. He was found to have misused the local authority's equipment in breach of the code and had brought his office into disrepute.

A councillor used local authority notepaper in an attempt to avoid parking penalties incurred by his son. He also dishonestly attempted to renew a parking permit for disabled drivers. He was convicted of attempting, by deception, to evade the parking penalties dishonestly. He was also found by his local authority to have breached this paragraph of the code.

Part 3 - Protecting your reputation and the reputation of the Council

1.0 Register of Interests

As a Councillor:

9.1 I register and disclose my interests.

- 1.1 Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.
- 1.2 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 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.
- 1.3 Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1** of the Code (Disclosable Pecuniary Interests). You should also register details of your other personal interests which fall within the categories set out in **Table 2** of the Code (Other Registerable Interests).
- 1.4 You have to register two different categories of interests:
 - a. Disclosable Pecuniary Interests – these are categories of interests which apply to you and your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners). The categories are set out in regulations made under s27 of the Localism Act 2011 and non-compliance is a criminal offence

- b. Other registerable interests – these are categories of interest which apply only to you and which the LGA believes should be registered as an aid to transparency.

Frequently asked questions	
Q.	Does ‘office carried on for profit or gain’ include allowances I may receive from another council I sit on?
A.	<p>If you receive allowances which are treated as taxable income rather than simply being pure reimbursement of expenses, say, then they do need to be registered and declared as appropriate.</p> <p>Reimbursement of expenses is separately covered by the DPI category ‘sponsorship’ and makes clear that it excludes the need to register or declare reimbursement of expenses from one’s own authority. However that does not exclude any allowances received from another authority. This is supported by a letter written by the then Minister Brandon Lewis to Desmond Swayne MP in 2013 when this issue was raised with Government which said: “a member being in receipt of taxable members’ allowances may be considered to give rise to a disclosable pecuniary interest under the subject of ‘Employment, office, trade or vocation’ set out in the regulations.</p> <p>That means that any member in receipt of taxable allowances from another authority would have to register such as a DPI.</p>
Q.	How much detail do I need to give about my employment?
A.	<p>It is not enough simply to put, for example, ‘management consultant’ or ‘teacher’. Sufficient detail should be given to identify your company or employer. This aids transparency and allows people to see where potential conflicts of interest may arise.</p> <p>Where you have a sensitive employment which should not be disclosed you should discuss this with your Monitoring Officer (see ‘sensitive interests’ below). While the law on sensitive interests only applies to where there is a fear of intimidation there may be employment, such as certain sections of the military, which cannot be disclosed for other reasons so you should always seek advice if in doubt.</p>

Q.	How much detail is required of land-holdings?
A.	Sufficient detail should be given to identify the land in question. An address and, where the address is not sufficient, a field number or map reference will usually meet the requirement. A plan identifying the land may be useful in some situations but is not a requirement.
Q.	Do you have to register the land-holdings of your employers or bodies you have shareholdings in?
A.	No. There is no requirement to list the land-holdings of companies or corporate bodies included in the register. The only requirement is to register any tenancy between such bodies and the authority. Obviously, you can only be expected to register those you ought reasonably to be aware of.
Q.	What is a “body exercising functions of a public nature”?
A.	<p>Although it is not possible to produce a definitive list of such bodies, here are some criteria to consider when deciding whether or not a body meets that definition -</p> <ul style="list-style-type: none"> ● Does that body carry out a public service? ● Is the body taking the place of local or central government in carrying out the function? ● Is the body (including one outsourced in the private sector) exercising a function delegated to it by a public authority? ● Is the function exercised under legislation or according to some statutory power? ● Can the body be judicially reviewed? <p>Unless you answer “yes” to one of the above questions, it is unlikely that the body in your case is exercising functions of a public nature.</p> <p>Examples of bodies included in this definition: government agencies, other councils, public health bodies, council-owned companies exercising public functions, arms-length management organisations carrying out housing functions on behalf of a council, school governing bodies.</p>

Q.	Do local campaigning or Facebook groups need to be registered?
A.	<p>Membership of local campaign or Facebook groups will only need to be registered if they are bodies:</p> <ul style="list-style-type: none"> ● Exercising functions of a public nature; ● Directed towards charitable purposes; or ● One whose principal purpose includes influencing public opinion or policy. <p>Generally it is unlikely that these groups will be regarded as formal bodies to be registered. However, each case should be considered on its own merits. 'A Body' is defined as 'a number of persons united or organised'. Some groups are very united on their cause and organised but their purpose must fall under one of the functions listed above.</p> <p>There must also be some formality to the membership, such as registration for example. Simply attending a meeting of a local campaign does not of itself make you a 'member' of that organisation.</p>
Q.	What about membership of a political party or trade union?
A.	<p>The second category of other registerable interests refers to membership of a body or being in a position of general control and management of a body, one of whose principal purposes includes the influence of public opinion or policy. This includes any political party or trade union. Memberships of political parties and Trade Unions therefore need to be registered. Remember that if as a consequence of membership of a political party or a trade union any payment or financial benefit is received, it is likely to come under the Sponsorship category of DPI.</p>
Q.	Do I need to register my membership of the Freemasons?
	<p>A Council cannot require a member to register membership of a Masonic Lodge specifically any more than it could require registration of any other specifically named organisation.</p> <p>The requirement to register outside interests is a more general requirement to register outside organisations and seeks to achieve</p>

	<p>a balance between ‘need to know’ and privacy. These general requirements include membership of any charitable organisation or ‘body directed to charitable purposes’. This would in effect capture Freemasonry through membership of the Grand Charity which meets that definition as well as individual lodges which may have a specific charitable purpose. It is possible for a freemason to disclaim membership of the Grand Charity, leaving just membership of the United Grand Lodge and their individual lodge which may therefore not fall within that category as, whilst individual lodges might make donations to charitable causes, their primary function and objects are not charitable; thus a mason could in theory not meet the requirement to register membership of charitable bodies by opting out of the Grand Charity.</p>
Q.	What is sensitive information?
A.	<p>It may include your sensitive employment (such as certain scientific research or the Special Forces) which is covered by other legislation or interests that are likely to create serious risk of violence or intimidation against you or someone who lives with you. For example, disclosure of your home address where there has been a threat of violence against you or where there is a court order protecting your whereabouts.</p> <p>You should provide this information to your monitoring officer and explain your concerns regarding the disclosure of the sensitive information; including why it is likely to create a serious risk that you or a person who lives with you will be subjected to violence or intimidation. You do not need to include this information in your register of interests, if your monitoring officer agrees, but you need to disclose at meetings the fact that you have an interest in the matter concerned (see guidance on declaring interests).</p>
Q.	What happens if the monitoring officer does not agree that the information is sensitive?
A.	<p>It is for the Monitoring Officer to decide if the information is sensitive. You must notify the Monitoring Officer of the information which you think is sensitive and give your reasons and any supporting evidence.</p>

	<p>If the Monitoring Officer agrees, this information does not need to be included in the register of interests. However, if the Monitoring Officer disagrees then it must be registered.</p>
Q.	What happens if the information stops being sensitive?
A.	<p>You must notify the monitoring officer of any change in circumstances which would mean that the sensitive information is no longer sensitive within 28 days of the change, for example a change in employment. The information would then be included in the authority's register of interests.</p>
Q.	Who should you notify when registering your interests?
A.	<p>The Localism Act and the Code both say that the Monitoring Officer is responsible for maintaining the register. You must therefore notify your Monitoring Officer of your interests to be registered.</p>
Q.	Does setting the Council Tax give rise to a Disclosable Pecuniary Interest?
A.	<p>You do not have a disclosable pecuniary interest if you are voting on the Council Tax. Guidance issued by the Government in 2013 made clear that 'any payment of, or liability to pay, council tax does not create a disclosable pecuniary interest as defined in national rules; hence being a council tax payer does not mean that you have to seek a dispensation to take part in the setting of council tax or local arrangements for council tax support'.</p>
Q.	What if I am unaware of an interest?
A.	<p>You can only declare an interest in a matter that you are aware of. For example, a company of which your father-in-law is a director may have made an application to the Council. You may not be aware that he is a director, and you are not expected to ask about the business affairs of your relatives or acquaintances simply because you are a councillor.</p> <p>A reasonable member of the public would expect you to know about certain interests of course; so for example it would be reasonable</p>

for you to know your daughter's address or job, but not necessarily any shareholdings that she may have.

2.0 Registration of Gifts and Hospitality

As a Councillor:

- 10.1 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.
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept within 28 days of the offer being made.

- 2.1 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.
- 2.2 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.

Frequently asked questions	
Q.	What does 'hospitality' mean?
A.	Hospitality can be defined as any food, drink, accommodation, or entertainment freely provided or heavily discounted.
Q.	How much detail should I include on the register?
A.	Where you register gifts or hospitality you should include the name of the person or organisation who gave you the gift or hospitality; the date on which you received it; the reason it was given; and its value or estimated value.
Q.	How do I know if gifts or hospitality have been offered to me because of my role as a councillor?
A.	<p>The code says you must register any gift or hospitality received <i>in your capacity as a councillor</i> if the estimated value exceeds £25.</p> <p>You should ask yourself whether you would have received the gift or hospitality if you were not on the local authority. If you are in doubt as to the motive behind an offer of a gift or hospitality, we recommend that you register it or speak to the clerk or monitoring officer before deciding whether to accept it. You should also refer to the local authority's policy on gifts and hospitality.</p> <p>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, or gifts which you do not accept. However, you should apply common sense when you consider how receipt of a gift might be interpreted. For example, if you are the chair of the planning committee and a birthday present arrives from a family friend who is also an applicant just before a planning application is due to be considered, then you need to think about how this would be interpreted by a reasonable member of the public.</p>
Q.	What about gifts or hospitality I do not accept?
A.	The code makes it clear that the presumption is that you do not normally accept gifts or hospitality. While gifts or hospitality can be

	<p>offered for benign reasons it is important for your reputation, the reputation of the local authority and the need to reassure the public that decision-making is not being improperly influenced, that you do not accept gifts or hospitality wherever possible.</p> <p>Simply accepting gifts or hospitality and then registering it does not mean that it may be seen as reasonable. Accepting an expensive meal from somebody who is negotiating for a contract with the council, for example, is not 'made right' by being recorded on a public register.</p> <p>There will be times, however, where turning down hospitality or gifts could be seen as causing unnecessary offence. For example, if you have been invited as a ward councillor to a local festival or faith celebration along with other members of the community then it may be entirely appropriate to accept the hospitality. However, you should always exercise particular caution if the organisers are involved in ongoing negotiations with the local authority on a particular matter.</p> <p>Where you are offered a gift or hospitality but decline it you should nevertheless notify the monitoring officer. That helps the authority to identify if there are any patterns and to be aware of who might be seeking to influence the authority.</p>
<p>Q.</p>	<p>What about gifts or hospitality that falls below the limit in the code?</p>
<p>A.</p>	<p>You should always notify the monitoring officer of any gift or hospitality offered to you if it could be perceived as something given to you because of your position, especially where the gift or hospitality is from somebody who has put in an application to the local authority (or is about to) even where that hospitality falls below £50 or the limit set by the local authority.</p> <p>While that would not be a matter for the public register it again allows the authority to be aware of any patterns.</p> <p>Also, an accumulation of small gifts you receive from the same source over a short period of say a couple of months that add up to £50 or over should be registered in the interests of transparency.</p>

Q.	What if I do not know the value of a gift or hospitality?
A.	The general rule is, if in doubt as to the value of a gift or hospitality, you should register it, as a matter of good practice and in accordance with the principles of openness and accountability in public life. You may therefore have to estimate how much a gift or hospitality is worth. For example, if you attend a dinner as a representative of the authority which has been prepaid by the sponsors you would need to make an informed judgment as to its likely cost.
Q.	What if I'm at an event but don't have the hospitality or only have a small amount?
A.	<p>The best way to preserve transparency is for you to assess the hospitality on offer, whether it is accepted or not. This is because it would clearly not be in your interests to be drawn into arguments about how much you yourself ate or drank at a particular occasion. For example, you may find yourself at a function where relatively lavish hospitality is on offer, but you choose not to accept it. You may go to a champagne reception but drink a single glass of orange juice for example.</p> <p>As a guide you should consider how much a person could reasonably expect to pay for an equivalent function or event run on a commercial basis. What you have been offered is the value of the event regardless of what you actually consumed. Clearly where you are in any doubt the prudent course is to register the hospitality.</p>
Q.	Is there a minimal threshold where I wouldn't have to notify the monitoring officer?
A.	The code is about ensuring that there is transparency and accountability about where people may be trying to influence you or the local authority improperly. However, in the course of your duties as a councillor you will be offered light refreshments or similar on many occasions. It is perfectly acceptable to have a cup of tea or biscuits at a meeting with residents at the local community centre for example and there may be times when an external meeting lasts

	<p>all day and the organisers offer you a sandwich lunch and refreshments.</p> <p>The Government’s guide to the Bribery Act for employers says that ‘the Government does not intend that genuine hospitality or similar business expenditure that is reasonable and proportionate be caught by the Act, so you can continue to provide bona fide hospitality, promotional or other business expenditure. In any case where it was thought the hospitality was really a cover for bribing someone, the authorities would look at such things as the level of hospitality offered, the way in which it was provided and the level of influence the person receiving it had on the business decision in question. But, as a general proposition, hospitality or promotional expenditure which is proportionate and reasonable given the sort of business you do is very unlikely to engage the Act.’</p> <p>You should use your discretion and think how it might look to a reasonable person but always seek the views of the monitoring officer or clerk where you are a parish councillor if in doubt.</p>
<p>Q.</p>	<p>What are ‘normal expenses and hospitality associated with your duties as a councillor’?</p>
<p>A.</p>	<p>As well as the minimal threshold hospitality above there will be times when you are paid expenses which include an element for food and drink as part of your role.</p> <p>The focus of the code is on the source of the hospitality and its nature. Hospitality does not need to be registered where it is provided or reimbursed by the authority or where it is clearly ancillary to the business being conducted, such as an overnight stay for an away-day. Therefore, hospitality at a civic reception or mayor’s ball would not need to be registered.</p> <p>However, the hospitality should be registered if it is provided by a person or body other than the authority and is over and above what could reasonably be viewed as ancillary to the business conducted. You might meet dignitaries or business contacts in local authority offices. However, if such meetings take place in other venues, such as at cultural or sporting events, this should be registered as hospitality.</p>

	<p>If you are away at a conference and you are offered entertainment by a private company or individual or attend a sponsored event you should consider registering it.</p>
Q.	<p>What if my role involves me attending regular events or receiving gifts or hospitality?</p>
A.	<p>Some roles in a local authority will inevitably involve being offered more entertainment than others because of the ‘ambassadorial’ nature of the role. For example, the Mayor or Speaker will be invited to a large number of functions and the leader of the local authority may be attending events as political leader of the local authority.</p> <p>Although the Mayor or Speaker may attend many social functions, they are not exempt from the requirement to register hospitality as individual councillors. However, where the hospitality is extended to the office holder for the time being rather than the individual, there is no requirement under the code to register the hospitality against your individual register. The question a councillor needs to ask themselves is, “Would I have received this hospitality even if I were not the Mayor/Speaker?” If the answer is yes, then it must be registered.</p> <p>If matters are recorded, any entry on the register should make it clear that gifts or hospitality are being accepted because of the office held and, where possible, any gifts accepted should be ‘donated’ to the local authority or to charity or as raffle prizes for example.</p> <p>Gifts that are clearly made to the local authority, for example a commemorative plaque which is kept on display in the local authority’s offices, do not need to be registered in the councillor’s register of gifts and hospitality. However, such gifts ought to be recorded by the local authority for audit purposes.</p>