

# Code of Conduct



Adopted: March 2024  
Review Date: March 2027

## **1. Introduction**

This Code of Conduct ("the Code") has been adopted by the Council as required by Section 27 of the Localism Act 2011 ("the Act").

## **2. Definitions**

For the purposes of this Code of Conduct, a "Councillor" means a Member, or co-opted Member of the Council.

The "Monitoring Officer" refers to the position held at Central Bedfordshire Council.

## **3. Purpose of the Code of Conduct**

- 3.1 The purpose of this Code of Conduct is to assist Councillors in modelling the behaviour that is expected of them and to set out the type of conduct that could lead to action being taken against them. It is also to protect the public, Town Council Officers and Members, and the reputation of Biggleswade Town Council.

## **4. General principles of Councillor conduct**

- 4.1 Everyone in public office at all levels should uphold the Seven Principles of Public Life, also known as the Nolan Principles.
- 4.2 Building on these principles, the following general principles have been developed specifically for the role of Town Councillor.
- 4.3 In accordance with the public trust placed in Councillors, on all occasions, they must:
- Act with integrity and honesty
  - Act lawfully
  - Treat all people fairly and with respect; and
  - Lead by example and act in a way that secures public confidence in the role of a Town Councillor.
- 4.4 In undertaking the role of a Town Councillor, Town Councillors must:
- Impartially exercise responsibilities in the interests of the local community
  - Not improperly seek to confer an advantage, or disadvantage, on any person
  - Avoid conflicts of interest
  - Exercise reasonable care and diligence; and
  - Ensure that public resources are used prudently in accordance with the Council's requirements and in the public interest.
  - Not bring the role of a Town Councillor or the Council into disrepute.
  - Not disclose confidential information.
  - Register and disclose pecuniary and non-pecuniary interests.

## **5. Application of the Code of Conduct**

- 5.1 This Code of Conduct applies to all Town Councillors as soon as they sign their declaration of acceptance of the office of Councillor or attend their first meeting as a co-opted member and continues to apply to them until they cease to be a Councillor.

This Code of Conduct applies to all Town Councillors when they are acting in their capacity as a Town Councillor, or their actions would give the impression to a reasonable member of the public with knowledge of all the facts that they are acting as a Town Councillor.

- 5.2 The Code applies to all forms of communication and interaction, including during face-to-face meetings, in written, verbal and non-verbal communication, and in social media postings.
- 5.3 All Councillors are also expected to uphold high standards of conduct and show leadership at all times when acting as a Town Councillor.
- 5.4 The Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and Councillors are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct. Councillors can also seek advice from the Clerk, who may refer matters to the Monitoring Officer.

## **6.0 Standards of Councillor Conduct**

- 6.1 This section sets out the obligations of Councillors, which are the minimum standards of conduct required of all Councillors. Should the conduct of a Councillor fall short of these standards, a complaint may be made against them, which may result in action being taken.
- 6.2 Guidance is included to help explain the reasons for the obligations and how they should be followed.

### **6.3 Respect as a Councillor**

All Councillors should treat, members of the public, Officers and Members, and employees and representatives of partner organisations with respect.

- 6.4 Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. Town Councillors can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. Councillors should not, however, subject individuals, groups of people or organisations to personal attack.
- 6.5 In return, Councillors have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening, Councillors are entitled to stop any conversation or interaction in person or online and to seek guidance from the Monitoring Officer, the relevant social

media provider or the police. This also applies to fellow Councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor & officer protocol.

6.6 Bullying, harassment and discrimination as a Councillor:

6.6.1 Councillors do not bully any person.

6.6.2 Councillors do not harass any person.

6.6.3 Councillors promote equalities and do not discriminate unlawfully against any person.

6.7 The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

6.8 The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

6.9 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.

6.10 Impartiality of officers of the council as a councillor:

6.10.1 Councillors do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the Council.

**6.11 Confidentiality and access to information as a councillor:**

6.11.1 Councillors do not disclose information:

- a. Given to them in confidence by anyone
- b. Acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, unless
  - i. They have received the consent of a person authorised to give it;
  - ii. They are 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 Town Council; and
  - 3. The Councillor has consulted the Monitoring Officer prior to its release.

6.11.2 Councillors do not improperly use knowledge gained solely as a result of their role as a Councillor for the advancement of them, their friends, their family members, their employer or their business interests.

6.11.3 Councillors do not prevent anyone from getting information that they are entitled to by law.

6.12 Councillors do not bring their role as a Councillor, or the Council, into disrepute.

6.13 Councillors are trusted to make decisions on behalf of their community and their actions and behaviour are subject to greater scrutiny than that of members of the public. Councillors should be aware that their actions might have an adverse impact on them, other Councillors and/or the Council and may lower the public's confidence in them or the Council. For example, behaviour that is considered dishonest and/or deceitful can bring the Council into disrepute.

6.14 Councillors are able to hold the Council and fellow Councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Council whilst continuing to adhere to other aspects of this Code of Conduct.

6.15 Councillors do not use, or attempt to use, their position improperly to the advantage or disadvantage of them or anyone else.

6.16 A Councillors position as a Member of the Council provides them with certain opportunities, responsibilities, and privileges, and they make choices all the time that will impact others. However, Councillors should not take advantage of these opportunities to further their own or others' private interests or to disadvantage anyone unfairly.

**6.17 Use of the Council's resources and facilities as a Councillor:**

6.17.1 Councillors do not misuse Council resources.

6.17.2 Councillors will, when using the resources of the Council or

authorising their use by others:

- a. act in accordance with the Council's requirements; and
- b. 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 Council or of the office to which they have been elected or appointed.

6.18 Councillors may be provided with resources and facilities by the Council to assist them in carrying out their duties as a Councillor.

6.19 Examples include:

- Office support
- Stationery
- Equipment such as phones, and computers
- Access and use of the Council's buildings and rooms.

6.20 These are given to Councillors to help them carry out their 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 Council's own policies regarding their use.

#### **6.21 Complying with the Code of Conduct as a Councillor:**

6.21.1 Councillors undertake Code of Conduct training provided by the Council.

6.21.2 Councillors cooperate with any Code of Conduct investigation and/or determination.

6.21.3 Councillors do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

6.21.4 Councillors comply with any sanction imposed on them following a finding that they have breached the Code of Conduct.

6.22 It is extremely important for Councillors to demonstrate high standards, for them to have their actions open to scrutiny and for them not to undermine public trust in the Council or its governance. If Councillors do not understand or are concerned about the Council's processes in handling a complaint they should raise this with the Monitoring Officer.

### **Protecting Councillor's reputation and the reputation of the Council**

#### **6.23 Interests as a Councillor:**

6.23.1 **Councillors register and disclose their interests.**

6.24 Section 29 of the Localism Act 2011 requires the Monitoring Officer to

establish and maintain a register of interests of members of Town Councils.

- 6.25 Councillors need to register their interests so that the public and Members and Officers know which of their 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 Councillors by allowing them to demonstrate openness and a willingness to be held accountable. Councillors are personally responsible for deciding whether or not they should disclose an interest in a meeting, but it can be helpful for them 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 them 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.
- 6.26 Councillors should note that failure to register or disclose a disclosable pecuniary interest is a criminal offence under the Localism Act 2011.
- 6.27 **Appendix B sets** out the detailed provisions on registering and disclosing interests. If in doubt, Councillors should always seek advice from the Monitoring Officer.
- 6.28 Gifts and hospitality as a Councillor:**
- 6.28.1 Councillors 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 their part to show favour from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage.
- 6.28.2 Councillors must register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
- 6.28.3 Councillors must register with the Monitoring Officer any significant gift or hospitality that they have been offered but have refused to accept.
- 6.29 In order to protect their position, and the reputation of the Council, Councillors should exercise caution in accepting any gifts or hospitality which are (or which they reasonably believe to be) offered to them because they are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, Councillors do not need to register gifts and hospitality which are not related to their role as a councillor, such as Christmas gifts from their friends and family.

## **Appendices**

### **Appendix A – The Seven Principles of Public Life**

The principles are:

#### **1. Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **2. 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 their friends. They must disclose and resolve any interests and relationships.

#### **3. Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **4. 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.

#### **5. 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 so doing.

#### **6. Honesty**

Holders of public office should be truthful.

#### **7. 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 wherever it occurs.



## Appendix B

Under the Localism Act 2011, all elected town councillors are required, within 28 days of their election or appointment to office, to submit a declaration of interest's form. It is an offence to omit any information that ought to be declared, to provide false or misleading information or to not update this information in a timely manner.

Declarations must be submitted to the Monitoring Officer at Central Bedfordshire Council. To do this, Councillors need to email [registerofinterests@centralbedfordshire.gov.uk](mailto:registerofinterests@centralbedfordshire.gov.uk). As well as including any relevant information, Councillors must include any information relevant to their spouse or anyone they live with who they regard as their spouse or civil partner.

### Declaration categories

Declarations fall into a range of categories:

- Any employment, office, trade, profession or vocation undertaken for profit or gain. Central Bedfordshire Council ask councillors to provide either brief details of their business or a short description of their job.
- Any contract for the supply of goods, services or works between Central Bedfordshire Council and a Councillor or a firm/company of which they are a partner or remunerated director.
- All property they own, lease or rent within Central Bedfordshire.
- Any licence to occupy land in Central Bedfordshire for a month or longer.
- Any tenancy where the landlord is Central Bedfordshire Council and the tenant is a body in which they have a beneficial interest.
- Shares and stocks or units of a collective investment scheme in a body where it has a place of business within Central Bedfordshire and the total nominal value is greater than £25,000 or one-hundredth of the total issued share capital of that body; or if the share capital of that body is more than one class, the total nominal value of the shares of any one class in which they have a beneficial interest which exceeds one-hundredth of the total issued share capital of that class.
- Any gifts or hospitality received. Town Councillors must advise of any with an estimated value of at least £50.
- Bodies to which they have been appointed or nominated by Central Bedfordshire Council as its representative.
- Public authorities or bodies exercising functions of a public nature.
- Appointment to charitable bodies.
- Appointment to bodies whose principal purposes include the influence of public opinion or policy.

Town Councillors must make these declarations within 28 days of their election or appointment but if their circumstances change, they must also update their declarations within 28 days of becoming aware of those changes. Any such failure to produce a declaration of interest or to update one in a timely manner is an offence under the Localism Act 2011.

## **Sensitive interests**

Copies of the register of interests which are published do not include details of any sensitive interest, other than stating that the individual has an interest the details of which are withheld. A sensitive interest is one which the individual and the Monitoring Officer both consider could lead to the individual or a person connected to that individual, being subject to violence or intimidation if it were published.