**Councillors' Code of Conduct**

Eastleigh Borough Council

Joint Statement

The role of councillor across all tiers of local government is a vital part of our country’s system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

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

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

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public’s trust in local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority staff; should uphold the [Seven Principles of Public Life](https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

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

* I act with integrity and honesty
* I act lawfully
* I treat all persons fairly and with respect; and
* I lead by example and act in a way that secures public confidence in the role of councillor.
* In undertaking my role:
* I impartially exercise my responsibilities in the interests of the local community
* I do not improperly seek to confer an advantage, or disadvantage, on any person
* I avoid conflicts of interest
* I exercise reasonable care and diligence; and
* I ensure that public resources are used prudently in accordance with my local authority’s requirements and in the public interest.

**Code of Conduct for Councillors**

1. Application

This Code of Conduct applies to you whenever you are acting in your capacity as a Councillor or are giving the impression of acting in your capacity as a Councillor of Eastleigh Borough Council, including –

* 1. at formal meetings of the Council, its committees, sub-committees, its Cabinet and Cabinet committees
  2. when acting as a representative of the authority
  3. in taking any decision as councillor
  4. in discharging your functions as a ward councillor
  5. at site visits

1. General Conduct

You must –

* 1. provide leadership to the authority and communities within its area, by personal example
  2. treat other councillors and members of the public with respect
  3. not bully or harass any person
  4. promote equalities and not discriminate unlawfully against any person
  5. recognise that staff (other than political assistants) are employed by and serve the whole authority and not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the Authority
  6. respect the confidentiality of information which you receive as a Councillor –
     1. not disclosing confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so; and
     2. not obstructing third parties’ legal rights of access to information
  7. not conduct yourself in a manner which is likely to bring the Authority into disrepute
  8. use your position as a Councillor in the public interest and not for personal advantage
  9. accord with the authority’s reasonable rules on the use of public resources for private and political purposes
  10. exercise your own independent judgement, taking decisions for good and substantial reasons –
      1. attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups
      2. paying due regard to the advice of staff, and in particular to the advice of the statutory officers, namely the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer and
      3. stating the reasons for your decisions where those reasons are not otherwise apparent
  11. account for your actions, particularly by supporting the authority’s scrutiny function
  12. ensure that the authority acts within the law.

1. Disclosable Pecuniary Interests

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of Councillors of the authority.

You need to register your interests so that the public, authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. You are personally responsible for deciding whether or not you should disclose an interest in a meeting.

A failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.

You must –

* 1. comply with the statutory requirements to register your disclosable pecuniary interests and you must disclose, leave the room and not participate in respect of any matter in which you have a disclosable pecuniary interest
  2. before the end of 28 days beginning with the day on which you become a councillor or co-opted councillor of the authority, notify the Monitoring Officer, in writing, of any disclosable pecuniary interests
  3. ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any changes in respect of your disclosable pecuniary interests
  4. make verbal declaration of the existence of any disclosable pecuniary interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent
  5. “Meeting” means any meeting organised by or on behalf of the authority, including –
     1. any meeting of the Council, or a committee or sub-committee of Council
     2. in taking a decision as a ward councillor or as a member of any body of the Council; and
     3. at any site visit to do with business of the authority

1. Other Interests
   1. In addition to the requirements of Paragraph 3, if you attend a meeting at which any item of business is to be considered and you are aware that you have a non-disclosable pecuniary interest or non-pecuniary interest in that item, you must make verbal declaration of the existence of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent
   2. You have a non-disclosable pecuniary interest or non-pecuniary interest in an item of business of your authority where –
      1. a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or of a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority’s administrative area, or
      2. it relates to or is likely to affect any interests listed in the Table in the Appendix A to this Code, but in respect of a member of your family (other than a “relevant person”) or a person with whom you have a close association and that interest is not a disclosable pecuniary interest
2. Gifts and Hospitality
   1. You must not accept gifts or hospitality, irrespective of estimated value, which could give rise to a real or substantive personal gain or a reasonable suspicion of influence to show favour from persons seeking to acquire, develop or do business with the authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.
   2. You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a member from any person or body other than the authority.
   3. You must, within 28 days of receipt of an offer, notify the Monitoring Officer any significant gift or hospitality that has been offered and acceptance refused.
   4. The Monitoring Officer will place your notification on a public register of gifts and hospitality.
   5. This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.

**Appendix L** (Part 5 – Codes and Protocols)

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 (Disclosable Pecuniary Interests) which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”.

You should also register details of your other personal interests which fall within the categories set out in Table 2 (Other Registerable Interests).

“Disclosable Pecuniary Interest” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or 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.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.
4. Non-participation in case of disclosable pecuniary interest

4.1 Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

* 1. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

1. Disclosure of Other Registerable Interests
   1. Where a matter arises at a meeting which directly relates to one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.
2. Disclosure of Non-Registerable Interests
   1. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

6.2 Where a matter arises at a meeting which affects –

a. your own financial interest or well-being;

b. a financial interest or well-being of a relative, close associate; or

c. a body included in those you need to disclose under Other Registrable Interests as set out in Table 2 , you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

6.3 Where a matter affects your financial interest or well-being: a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and; b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

* 1. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012](https://www.legislation.gov.uk/uksi/2012/1464/made)

|  |  |
| --- | --- |
| Subject | Prescribed description |
| Employment, office, trade, profession or vacation | Any employment, office, trade, profession or vocation carried on for profit or gain. |
| Sponsorship | Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.  This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. |
| Contracts | Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—  (a) under which goods or services are to be provided or works are to be executed; and  (b) which has not been fully discharged. |
| Land | Any beneficial interest in land which is within the area of the relevant authority. |
| Licences | Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer. |
| Corporate tenancies | Any tenancy where (to M’s knowledge)—  (a) the landlord is the relevant authority; and  (b) the tenant is a body in which the relevant person has a beneficial interest. |
| Securities | Any beneficial interest in securities of a body where—  (a) that body (to M’s knowledge) has a place of business or land in the area of the relevant authority; and  (b) either—  (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or  (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class. |

For this purpose;

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2

Other Registrable Interests

You have a personal interest in any business of your authority where it relates or is likely to affect:

1. any body of which you are in general control or management and which you are nominated or appointed by your authority
2. any body
3. exercising functions of a public nature
4. anybody directed to charitable purposes or
5. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).