
FERNDOWN TOWN COUNCIL

MEMBERS' CODE OF CONDUCT

The Code of Conduct, as set out below, was adopted by Ferndown Town Council with effect from (TBC).

1. Introduction

1.1 Ferndown Town Council has a duty to promote and maintain high standards of conduct by its councillors. This Code of Conduct sets out the conduct that is expected of councillors when carrying out Council business or representing the Council.

1.2 The Code of Conduct is to be interpreted in a way that is consistent with the following principles:

Selflessness Councillors should act solely in terms of the public interest.

Integrity Councillors 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 declare and resolve any interests and relationships.

Objectivity Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness Councillors 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.

Honesty Councillors should be truthful.

Leadership Councillors 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.

2. General Obligations

2.1. A Councillor must

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- (a) comply with this Code of Conduct and any other of the Council's policies, protocols and other procedures relating to the conduct of councillors;
 - (b) treat others with respect;
 - (c) when using or authorising the use by others of the Council resources act in accordance with the Council's reasonable requirements;
 - (d) take into account any relevant advice provided by the Town Clerk when reaching decisions on any matter
 - (e) inform the Town Clerk of the receipt of any gifts and hospitality that they estimate has a value of more than £50 and the name of person providing the gift or hospitality.
- 2.2 A Councillor must not –
- (a) do anything which may cause the Council to breach the Equality Act 2010;
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be –
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a councillor (including them) has failed to comply with this Code of Conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.
 - (e) disclose information given to them in confidence by anyone, or information acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, except where –
 - (i) they have 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 advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is reasonable and in the public interest; and is made in good faith and in compliance with the Council's reasonable requirements;
 - (f) prevent another person from gaining access to information to which that person is entitled by law; or

- (g) behave in a way which could reasonably be regarded as bringing their office or the Council into disrepute;
- (h) use or attempt to use their position improperly to confer on or secure for them or any other person, an advantage or disadvantage; or
- (i) use the Council's resources improperly for political purposes (including party political purposes).

3. Disclosable Pecuniary Interests

- 3.1 A Councillor must register any disclosable pecuniary interest (see Appendix A) that they or their husband or wife, civil partner or any person that they are living with as husband or wife or civil partner, as if they are their own interests, when they know about them.
- 3.2 A Councillor must register any disclosable pecuniary interests with the Monitoring Officer within 28 days of:
 - (a) being elected or appointed to office;
 - (b) this Code of Conduct being adopted;
 - (c) declaring an unregistered interest at a meeting of the Council; and
 - (d) becoming aware of any new interests or changes in those interests
- 3.3 A Councillor who is aware or ought reasonably to be aware that they have a disclosable pecuniary interest in any business of the Council who attends a meeting of the Council at which that business is discussed, must disclose to the meeting the existence and nature of the interest at the beginning of the meeting or when it becomes apparent that they have such an interest. Where information about an interest has been agreed with the Monitoring Officer to be sensitive, the Councillor need only declare the existence of the interest.
- 3.4 A Councillor who has a disclosable pecuniary interest in any business of the Council must not take part in the consideration of that business and must withdraw from the room where the meeting is being held unless they have been granted a dispensation by the Town Clerk.

4. Sensitive interests

Where you have an interest (whether or not it is a disclosable pecuniary interest) and the nature of the interest is such that you and the Monitoring Officer consider the disclosure could lead to you or a person connected with you being subject to violence or intimidation, special rules apply to registration of the interest. The elements of the Register of Interests that are in the public domain must not include details of the interest but will instead refer to the details being withheld in

accordance with section 32 of the Localism Act. You need to disclose the interest at a meeting, but the disclosure is limited to a statement that you have a disclosable pecuniary interest which falls within an exemption in the Act without further details being given.

5. **Gifts and Hospitality**

The Council will maintain a public Register of Gifts and Hospitality to you and your party. This is for Gifts and Hospitality which exceed an estimated £50 in value at any one time. You are asked to keep this Register up to date by notifying (in writing) the Town Clerk within 28 days of any receipt of such a gift or hospitality so that this can be entered in the Register. Such matters are not included in the Regulations for disclosable pecuniary interests and therefore will not require a disclosure and withdrawal at a business meeting.

6. **Monitoring and review**

This Code will be kept under review by the Council.

APPENDIX A

Disclosable Pecuniary Interests

1. For the purposes of this Appendix

“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;

“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 the person M referred to in section 30 of the Act;

“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) of the Act;

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

“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(b) and other securities of any description, other than money deposited with a building society.

2. The following are disclosable pecuniary interests.

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, or vocation	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 of 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.

MEMBER COMPLAINT PROCESS

1. INTRODUCTION

- 1.1 The Localism Act 2011 requires the Council to adopt its own Code of Conduct and to agree procedures for dealing with alleged breaches of that Code of Conduct. The Code of Conduct sets out the general standards of behaviour that are expected of Councillors and also the arrangements for the registration and declaration of financial and other interests
- 1.2 Parish and Town Councils within the Council's area are also required to adopt their own Code of Conduct. The Localism Act 2011 requires any complaints about breaches of those Codes by Parish or Town Councillors to be dealt with under the Council's arrangements.

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- 1.3 References to ‘councillors’ include elected members and co-opted members of the Council and Town and Parish Councils in its area.

2. **MAKING A COMPLAINT**

- 2.1 Complaints should be made in writing to the Monitoring Officer, using a form provided by him/her if possible.
- 2.2 Anonymous complaints will not be considered.
- 2.3 In the interests of fairness and natural justice, the Councillor who is the subject of the complaint will normally be told who has complained about them and the details of the complaint. There may be occasions where the complainant requests that their identity is withheld. Such a request will only be agreed in exceptional circumstances.

3. **WHO WILL DEAL WITH THE COMPLAINT?**

- 3.1 The Initial Assessment of any complaint will be dealt with, in the first instance, by the Monitoring Officer or in the event of a conflict of interest, by a deputy Monitoring Officer.
- 3.2 Any investigation under Stage 2, will be conducted by the Monitoring Officer or a person appointed by him. His/her investigation report will be considered by the Council’s Standards (Hearing) Sub-Committee, who will also conduct any hearing under Stage 3.
- 3.3 The Independent Person will be able to attend any meetings held under stages 2 and 3 of the process.

4. **HOW WILL ANY COMPLAINT BE DEALT WITH?**

4.1 **Stage 1 – Initial Assessment**

The Monitoring Officer will consider the complaint, in consultation with the Independent Person. The Monitoring Officer will consider whether:

- (a) The complaint is about the conduct of a councillor or lay or co-opted member of the Council or a town or parish council within the Council’s area;
- (b) the Councillor was a councillor at the time of the incident giving rise to the complaint;
- (c) the Councillor was a councillor at the time of the complaint;

- (d) the matters giving rise to the complaint would, if proven, be capable of breaching the Code of the relevant local authority.
- 4.2 If the complaint fails one or more of these tests, or if the Monitoring Officer in consultation with the Independent Person is satisfied that the complaint is immaterial, no further action will be taken.
- 4.3 Unless the complaint is about a failure to disclose a Disclosable Pecuniary Interest or other criminal behaviour, if the complaint satisfies the tests in paragraphs 5.1 or 5.2 the Monitoring Officer will prepare a report for the Standards (Assessment) Sub-Committee to consider. The Councillor, and if they are a Town or Parish Councillor, the relevant Town or Parish Clerk, will be informed of the receipt of the complaint and that a report is being prepared for the Standards (Assessment) Sub-Committee.
- 4.4 In considering the Monitoring Officer's report and assessing the complaint the Standards (Assessment) Sub-Committee will have regard to the criteria set out in Appendix A.
- 4.5 The Standards (Assessment) Sub-Committee may:
- (a) reject the complaint or to decide to take no action – in which case the Sub-Committee will give their reasons for doing so;
 - (b) seek an informal resolution (including, for example, an apology, or mediation); or
 - (c) ask the Monitoring Officer to investigate the complaint.
- 4.6 A copy of the complaint and a summary of the Standards (Assessment) Sub-Committee will be sent to the Councillor and to the complainant by the Monitoring Officer.
- 4.7 **Stage 2 – Investigation**
- The person appointed by the Monitoring Officer will examine any available evidence of the alleged breach. They will usually interview the complainant, the councillor and, if appropriate any witnesses. They will prepare a report setting out:
- (a) the agreed facts;
 - (b) any facts which are not agreed and the conflicting evidence; and

- (c) their conclusion on whether or not there has been a breach of the Code of Conduct.

4.8 **Stage 3 – Hearing**

The Standards (Hearing) Sub-Committee will consider the report. It will reach a view on disputed facts and decide whether or not to accept the conclusion of the Investigating Officer on the alleged breach of the Code of Conduct. The Sub-Committee may:

- (a) dismiss the complaint;
- (b) refer the complaint to the Monitoring Officer to seek an informal resolution;
- (c) hold a hearing of the Committee.

4.9 The hearing will be to make a final decision on whether or not a Councillor has breached the Code of Conduct and, if so, to decide whether any sanction should be imposed.

4.10 The hearing will normally be held in public, in order to promote public confidence and ensure fairness and transparency. The Sub-Committee may resolve to exclude the public and press for any part of the hearing where confidential or exempt information is considered and will usually do so when coming to its decision. The Sub-Committee may decide:

- (a) to take no further action;
- (b) to seek an informal resolution between the complainant and the subject councillor (if agreed by both parties);
- (c) to censure the Councillor;
- (d) to recommend to the Councillor's Group Leader (or in the case of an ungrouped councillor recommend to Council) that the Councillor is removed from any Committees or Sub-Committees of the Council, either for a specified period or until the next Annual Meeting of the Council, when seats on Committees will next be allocated;
- (e) to instruct the Monitoring Officer to request the Councillor to attend training;

- (f) to recommend the Group Leader to remove the Councillor from all outside appointments to which they have been appointed or nominated by the Council;
- (g) to withdraw facilities provided to the Councillor by the Council, such as a computer and/or e-mail and internet access for a specified time;
- (h) to exclude, for a specified period of time, the Councillor from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

APPENDIX A – ASSESSMENT CRITERIA

1 Initial Tests

- 1.1 The complaint is about the conduct of a councillor or lay or co-opted member of a council within the Council's area;
- 1.2 the Councillor was a councillor at the time of the incident giving rise to the complaint;
- 1.3 the Councillor was a councillor at the time of the complaint;
- 1.4 the matters giving rise to the complaint would, if proven, be capable of breaching the Code of the relevant local authority.

2 Sufficiency of information

- 2.1 Has the complainant provided sufficient information to allow the Sub-Committee assessing the complaint to understand the issues complained of? If insufficient information is provided, the Sub-Committee will not normally proceed with assessment of the complaint.

3 Seriousness of the Complaint

- 3.1 Does the complaint appear, on the available information, to be trivial, vexatious, malicious, politically motivated or 'tit for tat'?
- 3.2 Other than in particularly serious cases a complaint will not generally be referred for investigation if the Councillor has offered an apology, or if the Sub-Committee takes the view that the complaint can reasonably be addressed by other means.
- 3.3 Given the public interest in financial and other resources being used efficiently referral for investigation is generally reserved for serious complaints where alternative options for resolution are not considered by the Sub-Committee to be appropriate.

4 Length of Time Elapsed

- 4.1 Except in exceptional circumstances a complaint will not be referred for investigation when it is made more than 20 working days from the date upon which the event giving rise to the complaint took place.

5 Multiple Complaints

- 5.1 A single event may give rise to similar complaints from a number of complainants. These will generally be treated as a single complaint with multiple complainants.