



# WESTGATE ON SEA TOWN COUNCIL CODE OF CONDUCT

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## CODE OF CONDUCT

This Code of Conduct document was adopted by the Town Council at its Meeting held on 6th July 2021 (*Minute No 2748*).

### INTRODUCTION

Pursuant to section 27 of the Localism Act 2011, Westgate on Sea Town Council ('the Council') has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council.

This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership ( See Appendix 1).

### DEFINITIONS

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, working groups, joint committees or joint working groups.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

For the purposes of this Code, a 'Significant Interest' is an interest (other than a DPI or an interest in a Town Council Function) which :

- Affects the financial position of yourself and/or an associated person; or
- Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
- And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgement of the public interest.

### MEMBER OBLIGATIONS

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, they have the following obligations.

1. They shall behave in such a way that a reasonable person would regard as respectful.
2. They must not bully, intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation

or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with this Code

3. They must not do anything that compromises, or is likely to compromise, the impartiality or integrity of those who work for, or on behalf of, the Town Council
4. They shall properly and fully, to the best of their ability, engage in the councils adopted policy and practice in relation to complaints or grievances brought against them.
5. They must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
  - a) you have the written consent of a person authorised to give it; or
  - b) you are required by law to do so; or
  - c) 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
  - d) the disclosure is:
    - (i) reasonable and in the public interest; and
    - (ii) made in good faith and in compliance with the reasonable requirements of the Town Council.
  - e) prevent another person from gaining access to information to which that person is entitled by law;
  - f) conduct yourself in a manner which could reasonably be regarded as bringing your office or the Town Council into disrepute;
  - g) use of attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.
6. They shall not knowingly or recklessly provide false or misleading information in any of the disclosures or notifications in relation to DPis.
7. You must, when using or authorising the use by others of the resources of the Town Council:
  - a) act in accordance with the Town Council's reasonable requirements; and
  - b) ensure that such resources are not used improperly for political purposes (including party political purposes)

### *Registration of interests*

8. Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), they shall register with the Monitoring Officer the interests which fall within the categories set out in Appendices B and C.
9. Upon the re-election of a member or the re-appointment of a co-opted member, they shall within 28 days re-register with the Monitoring Officer any interests in Appendices B and C.

10. A member shall register with the Monitoring Officer any change to interests or new interests in Appendices B and C within 28 days of becoming aware of it.
11. A member need only declare the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.
12. Where you have a Disclosable Pecuniary Interest or Significant Interest in any business of the Town Council where you are acting alone in the course of discharging a function of the Town Council, you must:
  - a) notify the Town Clerk of the interest and its nature as soon as it becomes apparent; and
  - b) not take any steps, or any further steps, in relation to the matter except for the purpose of enabling the matter to be dealt with otherwise than by you; and
  - c) not seek improperly to influence a decision about the matter.
13. Where you have a Significant Interest in any business of the Town Council, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose. Having made your representations, given evidence or answered questions you must:
  - a) not participate in any discussion of, or vote taken on, the matter at the meeting; and
  - b) withdraw from the meeting room in accordance with the Town Council's procedure rules.

#### *Declaration of interests at meetings*

14. Where a matter arises at a meeting which relates to an interest in Appendix B the member shall not participate in a discussion or vote on the matter. They only have to declare what their interest is if it is not already entered in the member's register of interests or if they have not notified the Monitoring Officer of it.
15. Where a matter arises at a meeting which relates to an interest in Appendix B which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose they have an interest but not the nature of it.
16. Where a matter arises at a meeting which relates to an interest in Appendix C, the member shall not vote on the matter. They may speak on the matter only if members of the public are also allowed to speak at the meeting.
17. A member only has to declare their interest in Appendix C if it is not already entered in their register of interests or they have not notified the Monitoring Officer of it or if they speak on the matter. they hold an interest in Appendix C which is a sensitive interest not already disclosed to the Monitoring Officer, they shall declare the interest but not the nature of the interest.

18. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest in Appendix B), the member shall disclose the nature of the interest and not vote on the matter. They may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

### **GIFTS AND HOSPITALITY**

19. You must, before the end of 28 days beginning with the day of receipt/acceptance, notify the Town Clerk of any gift, benefit or hospitality with an estimated value of £25 or more, or a series of gifts, benefits and hospitality from the same or an associated source, with an estimated cumulative value of £25 or more, which are received and accepted by you (in any one calendar year) in the conduct of the business of the Town Council, the business of the office to which you have been elected or appointed or when you are acting as representative of the Town Council. You must also register the source of the gift, benefit or hospitality.
20. Where any gift, benefit or hospitality you have received or accepted relates to any matter to be considered, or being considered at a meeting, you must disclose at the commencement of the meeting or when the interest becomes apparent, the existence and nature of the gift, benefit or hospitality, the person or body who gave it to you and how the business under consideration relates to that person or body. You may participate in the discussion of the matter and in any vote taken on the matter, unless you have a Significant Interest, in which case the procedure in point 13 will apply.
21. You must continue to disclose the existence and nature of the gift, benefit or hospitality at a relevant meeting, for three years from the date you first registered the gift, benefit or hospitality.
22. The duty to notify the Town Clerk does not apply where the gift, benefit or hospitality comes with any description approved by the Town Council for this purpose.

### **DISPENSATIONS**

23. On a written request made to the Council's proper officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if they have an interest in Appendices B and C if the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.
24. A dispensation must specify the period for which it has effect, and the period specified may not exceed the remainder of the electoral term for the Town Council, i.e. not exceed four years.

## SANCTIONS

25. As a last resort and in the event of a reputational risk to the Council, sanctions as described in this section may be considered and applied to any Member who has failed to comply with the Code.
26.
  - (a) In the event of, and the agreement of the Chairperson on the basis of evidence provided by the Proper Officer that any Councillor is refusing, or appears to be refusing, to take part in the proceedings described in clause 4 of this code then the following sanctions may be applied and their application will be notified to the next full Town Council Meeting:
    - (b) Suspension of Committees the Councillor is a member of for 3 months;
    - (c) Suspension from all external representative roles for which the Councillor has been appointed.
26. If the Councillor subsequently engages in the proceedings as described in Clause 4 of this Code then the Chairperson may remove either or both sanctions applied.

## APPENDIX A

### **The Seven Principles of Public Life**

- The Seven Principles of Public Life (also known as the Nolan Principles) apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the Civil Service, local government, the police, courts and probation services, non-departmental public bodies (NDPBs), and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also apply to all those in other sectors delivering public services.

#### **1.1 Selflessness**

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

#### **1.2 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 declare and resolve any interests and relationships.

#### **1.3 Objectivity**

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

#### **1.4 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.

#### **1.5 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.

#### **1.6 Honesty**

- Holders of public office should be truthful.

#### **1.7 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

Interests defined by regulations made under section 30(3) of the Localism Act 2011 and described in the table below.

<i>Subject</i>	<i>Description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12-month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses.
	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the member or between his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a body in which such a person is a partner in a firm, a director of an incorporated body or holds the beneficial interest in securities*) and the Council –
	(a) under which goods or services are to be provided or works are to be executed; and
	(b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the Council.
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 the member's knowledge) –
	(a) the landlord is the Council; and
	(b) the tenant is a body in which the member, or his/her spouse or civil partner/ the person with whom the member is living as if they were spouses/civil partners have a beneficial interest.
Securities	Any beneficial interest in securities of a body where –
	(a) that body (to the member's knowledge) has a place of business or land in the area of the Council; 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.

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



## APPENDIX C

An interest which relates to or is likely to affect:

- (i) any body of which the member is in a position of general control or management and to which they are appointed or nominated by the Council;
- (ii) any body –
  - (a) exercising functions of a public nature;
  - (b) directed to charitable purposes; or
  - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)of which the member of the Council is a member or in a position of general control or management;
- (iii) any gifts or hospitality worth more than an estimated value of £25 which the member has received by virtue of their office.