

# PART 5.1.1

## COUNCILLORS CODE OF CONDUCT

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**5.1.1.1                    APPLICATION OF THE CODE**

- 5.1.1.1.1                    This Code of Conduct applies to you whenever you are acting in your capacity as a member or co-opted member (“referred to in this Code as Councillors”) of the Chelmsford City Council including-
- 5.1.1.1.2                    At formal meetings of the Council, its Committees and Sub-Committees, its Cabinet and other meetings at which business of the Council is discussed.
- 5.1.1.1.3                    When acting as a representative of the Council.
- 5.1.1.1.4                    In taking any decision as a Cabinet member or as a Ward Councillor.
- 5.1.1.1.5                    In discharging your functions as a Ward Councillor.
- 5.1.1.1.6                    At briefing meetings with officers.
- 5.1.1.1.7                    At site visits or other visits to do with the business of the Council.
- 5.1.1.1.8                    When corresponding with the Council other than in a private capacity.

**5.1.1.2                    GENERAL CONDUCT**

- 5.1.1.2.1                    You must-
- 5.1.1.2.2.1                    Provide leadership to the Council and communities within its area, by personal example.
- 5.1.1.2.1.2                    Respect others and not bully or harass any person.
- 5.1.1.2.1.3                    Recognise that officers (other than political assistants) are employed by and serve the whole Council.
- 5.1.1.2.1.4                    Respect the confidentiality of information which you receive as a Councillor by-
- 5.1.1.2.1.5                    (i) Not disclosing confidential information to third parties unless required by law and only then after receiving confirmation from the Monitoring Officer to do so; and
- (ii) Not obstructing third parties’ legal rights of access to information.
- 5.1.1.2.1.6                    Not conduct yourself in a manner which is likely to bring the Council into disrepute
- 5.1.1.2.1.7                    Use your position as a Councillor in the public interest and not for personal advantage.

- 5.1.1.2.1.8 Accord with the Council's reasonable rules on the use of public resources for private and political purposes.
- 5.1.1.2.1.9 Exercise your own independent judgement, taking decisions for good and substantial reasons by-
- (i) Attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups.
  - (ii) Paying due regard to the advice of officers, and in particular the advice of the statutory officers, that is the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer.
  - (iii) Stating the reasons for your decisions where those reasons are not otherwise apparent.
- 5.1.1.2.1.10 Account for your actions, particularly by supporting the Council's scrutiny function.
- 5.1.1.2.1.11 In your decisions and actions apply the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership and, as far as reasonably possible, assist the Council to act within the law.
- 5.1.1.2.1.12 Promote equalities and not discriminate unlawfully against any person.

**5.1.1.3 DISCLOSABLE PECUNIARY INTERESTS**

5.1.1.3.1 You must-

- 5.1.1.3.1.1 Comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matters in which you have a disclosable pecuniary interest (see **Annex 1**), and specifically,
- (i) Ensure that your entries in the register of interests are kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests.
  - (ii) Make verbal declarations of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present where an item of business 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 that interest becomes apparent.
  - (iii) Withdraw from any meeting at which you have a disclosable pecuniary interest during the entire consideration of that item, unless a dispensation has been granted.

5.1.1.3.2 “Meeting” means any meeting organised by or on behalf of the Council and in particular in the circumstances as set out in paragraph 5.1.1.1 of this Code.

**5.1.1.4 OTHER INTERESTS**

5.1.1.4.1 In addition to Paragraph 5.1.1.3, if you attend a meeting and there is an item of business to be considered in which you are aware you have a non-disclosable pecuniary interest or non-pecuniary interest, you must make a verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as that interest becomes apparent.

5.1.1.4.2 You have a non-disclosable pecuniary interest or non-pecuniary interest in an item of business of your Council where-

5.1.1.4.2.1 A decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or 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 Council’s administrative area;

5.1.1.4.2.2 It relates to an interest concerning either of the following-

(i) Any person or body who employs or has appointed you;

(ii) Any contract for goods, services or works made between Chelmsford City Council and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description that would create a disclosable pecuniary interest but only where it has been fully discharged within the last 12 months.

**5.1.1.5 REGISTRATION OF INTERESTS**

5.1.1.5.1 Where you are required to notify the Monitoring Officer as to any interest registerable under the Localism Act 2000 or this Code, you should do so using the City Council’s agreed Notice of Registerable Interests form.

5.1.1.5.2 The Monitoring Officer has issued guidance in the form of a Constitution Practice Note to assist in your completion of the Notice, but it is your responsibility to ensure that the content of the Notice is accurate, complies with the legal requirements and that all registerable interests are notified to the Monitoring Officer within the appropriate timescales.

**5.1.1.6**                    **GIFTS AND HOSPITALITY**

- 5.1.1.6.1                    You must not accept gifts, benefits or hospitality, irrespective of estimated value, which could give rise to real or substantive personal or political gain or a reasonable suspicion of influence on the councillor's 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 the grant of, or an objection to any permission, licence or other significant advantage.
- 5.1.1.6.2                    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 Councillor from any person or body other than the Council, including the name of the donor. The Monitoring Officer will place your notification on a public register of gifts and hospitality which is published on the Council's website.
- 5.1.1.6.3                    The duty to notify the Monitoring Officer does not apply to a gift, benefit or hospitality that comes within any description approved by the Council for this purpose.

## Annex

### Definitions

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.

Disclosable Pecuniary Interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows-

<b>Interest</b>	<b>Prescribed Description</b>
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 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 issue 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 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 an 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 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.

Further definitions in relation to the Code of Conduct to note:-

**“Bullying”** – 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.



“Harassment” – 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.

“Unlawful discrimination and equality duties” – 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.