Battle Town Council

CODE OF CONDUCT

Introduction

Pursuant to section 27 of the Localism Act 2011, Battle 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 described in Appendix C.

Definitions

For the purposes of this Code, a 'co-opted Member' is a person who is not a Member of the Council but who is either a Member of any Committee or sub-Committee of the Council, or a Member of, and represents the Council on any joint Committee or joint sub-Committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that Committee or sub-Committee.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its Committees, sub-Committees, joint Committees or joint sub-Committees.

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.

'Register of Members' interests' means Rother District Council's register of Members' pecuniary and other interests established and maintained by Rother District Council's Monitoring Officer under section 29 of the Localism Act.

'Monitoring Officer' is the Monitoring Officer of Rother District Council who must maintain a register under Section 29 of the Localism Act 2011.

Member Obligations

When you act as a Member of the Council, claim to act or give the impression of acting as a representative of the Council, you have the following obligations.

1. You must behave in such a way that a reasonable person would regard as respectful.
2. You must not act in a way that a reasonable person would regard as bullying or harassment. Bullying may be characterised as: offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Harassment may be characterised as unwanted conduct that has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.
3. You must not seek to improperly confer an advantage or disadvantage on any person.
4. You must use the resources of the Council in accordance with its requirements.
5. You must not disclose information that is given to you in confidence by anyone or information acquired by you which you believe, or ought reasonably be aware, is of a confidential nature,

except where: you have the consent of the person authorised to give it; you are required by law to do so; the disclosure is made to a third party for the purpose of professional advice provided that the third party agrees not to disclose the information to any other person; or the disclosure is made in good faith and in the reasonable requirements of the Council.

6. You must not conduct yourself in a manner that could reasonably be regarded as bringing your office or the Council into disrepute.
7. When reaching decisions on any matters, you must have regard to any relevant advice provided by the Council's Responsible Financial Officer or Proper Officer where that Officer is acting pursuant to his or her statutory duties.
8. You are advised to ensure that all intended public communication on Council matters is first reviewed for accuracy by the Town Clerk and for information purposes.

Registration of Interests

9. 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), you must register with the Monitoring Officer your interests, and those of your spouse, which fall within the categories set out in Appendix A (disclosable pecuniary interests).
10. Within 28 days of this Code being adopted by the Council, or the Member's election or the co-opted Members appointment (where that is later), you must register with the Monitoring Officer your interests that fall within the categories set out in Appendix B (personal interests).
11. Upon the re-election of a Member or the re-appointment of a co-opted Member, you must within 28 days re-register with the Monitoring Officer any interests in Appendices A and B.
12. A Member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.
13. 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 person connected with the Member to be subject to violence or intimidation.
14. Where a matter arises at a meeting that relates to an interest in Appendix A (disclosable pecuniary interests of yourself or spouse) you must not participate in a discussion or vote on the matter. You only have to declare what your interest is if it is not already entered in the Member's register of interests or if you have not notified the Monitoring Officer of it. If it is a 'sensitive interest' that has not already been disclosed to the Monitoring Officer, you must disclose that you have an interest, but not the nature of it. See also "dispensations".
15. In accordance with Standing Order 14 a Member with a personal and prejudicial or disclosable pecuniary interest, who has not received dispensation, must leave the meeting when it is considering a matter in which you have a disclosable pecuniary interest. You may return to the meeting after it has considered the matter in which you have the interest.
16. Where a matter arises at a meeting that relates to an interest in Appendix B (personal interests), you must not vote on the matter unless you are a Council representative in that interest. You may speak on the matter only if Members of the public are also allowed to speak at the meeting (even if no Members of the public are present).

17. You only have to declare your interest in Appendix B (personal interests) at the meeting if it is not already entered in your register of interests or you have not notified the Monitoring Officer of it or if you speak on the matter. If you hold an interest in Appendix B (personal interests) that is a 'sensitive interest' not already disclosed to the Monitoring Officer, you must declare the interest but not the nature of the interest.
18. Where the matter arises at a meeting that relates to a financial interest of a friend, relative or close associate (other than an interest in Appendix A, disclosable pecuniary interests), you must disclose the nature of the interest and not vote on the matter. You may speak on the matter only if Members of the public are also allowed to speak at the meeting (even if there are no public present). If it is a 'sensitive interest' you must declare the interest but not the nature of the interest.

Dispensations

19. 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 or for a period of time not exceeding four years, even if the Member has an interest in Appendices A and B. The Proper Officer/Council should believe that the number of Members otherwise prohibited from take 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.

Conduct of Local Authority Members – Predisposition, Bias and Predetermination

20. It is not a problem for Councillors to be predisposed. Predisposition is where a Councillor holds a view in favour of or against an issue, for example any application for planning permission, but they have an open mind to the merits of the argument before they make the final decision at the Council meeting.
21. Bias or predetermination can lead to problems. It is where a Councillor is closed to the merits of any arguments relating to a particular issue, such as an application for planning permission, and makes a decision on the issue without taking them into account. Councillors must not even appear to have already decided how they will vote at the meeting, so that nothing will change their minds.
22. In summary Councillors are entitled to have and express their own views, as long as they are prepared to reconsider their positions in the light of the evidence and arguments. They must not give the impression that their minds are closed.

Appendix A

Interests described in the table below.

Subject	**Description**
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain by you or your spouse or civil partner or by the person with whom you are living as if you are spouses/civil partners.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to you during the 12 month period ending on the latest date referred to in paragraph 8 above for expenses incurred by you in carrying out your duties as a Member, or towards your 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 you or your spouse or civil partner or the person with whom you are living as if you are spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) 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 held by you or by your spouse or civil partner or by the person with whom you are living as if you are spouses/civil partner which is within the area of the Council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give you or your spouse or civil partner or the person with whom you are living as if you are spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) held by you or by your spouse or civil partner or by the person with whom you are living as if you are spouses/civil partners to occupy land in the area of the Council for a month or longer.

Corporate tenancies	Any tenancy where (to your knowledge)— (a) the landlord is the Council; and (b)the tenant is a body that you, or your spouse or civil partner or the person with whom you are living as if you are spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest held by you or by your spouse or civil partner or by the person with whom you are living as if you are spouses/civil partners in securities* of a body where— (a) that body (to your 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 you, or your spouse or civil partner or the person with whom you are living as if you are spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* ’director’ includes a Member of the Committee of management of an industrial and provident society.

* ’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 B

An interest which relates to or is likely to affect:

(i) any body of which you are in a position of general control or management and to which you 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 you are a Member or in a position of general control or management;

(iii) any gifts or hospitality worth more than an estimated value of £50 which you have received by virtue of your office.

Appendix C

The Seven Principles of Public Life

The principles of public life 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, 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 have application to all those in other sectors delivering public services.

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 declare 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 doing so.

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.

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