



John Wright  
Town Clerk

## Lyme Regis Town Council

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### Human Resources Committee

**Core Membership:** Cllr G. Stammers (chairman), Cllr D. Sarson (vice-chairman), Cllr C. Aldridge, Cllr B. Bawden, Cllr M. Ellis, Cllr P. Evans, Cllr B. Larcombe, Cllr P. May, Cllr C. Reynolds, Cllr G. Turner

Notice is given of a meeting of the Human Resources Committee to be held at the **Guildhall, Bridge Street, Lyme Regis** on Wednesday 27 March 2024 commencing **on the rise of the extraordinary Full Council meeting** when the following business is proposed to be transacted:

John Wright  
Town Clerk  
21.03.24

*The open and transparent proceedings of Full Council and committee meetings will be audio recorded and recordings will be held for one year by the town council.*

*If members of the public make a representation to the meeting, they will be deemed to have consented to being audio recorded.*

*If members of the public have any queries regarding audio recording of meetings, please contact the town clerk.*

Members are reminded that in reaching decisions they should take into consideration the town council's decision to declare a climate emergency and ambition to become carbon neutral by 2030 and beyond.

### AGENDA

#### 1. **Public Forum**

Twenty minutes will be made available for public comment and response in relation to items on this agenda

*Individuals will be permitted a maximum of three minutes each to address the committee*

#### 2. **Apologies**

To receive and record any apologies and reasons for absence

#### 3. **Minutes**

To confirm the accuracy of the minutes of the Human Resources Committee meeting held on 13 February 2024 (attached)

#### **4. Disclosable Pecuniary Interests**

Members are reminded that if they have a disclosable pecuniary interest on their register of interests relating to any item on the agenda they are prevented from participating in any discussion or voting on that matter at the meeting and to do so would amount to a criminal offence. Similarly if you are or become aware of a disclosable pecuniary interest in a matter under consideration at this meeting which is not on your register of interests or is in the process of being added to your register you must disclose such interest at this meeting and register it within 28 days.

#### **5. Dispensations**

To note the grant of dispensations made by the town clerk in relation to the business of this meeting.

#### **6. Matters arising from the minutes of the Human Resources Committee meeting held on 13 February 2024**

To update members on matters arising from the previous meeting that are not dealt with elsewhere on this agenda and to allow members to seek further information on issues raised within the minutes of the previous meeting

#### **7. Update Report**

To update members on issues previously reported to this committee

#### **8. Human Resources Committee – Objectives**

To allow members to review progress of the committee's 2023-24 objectives

#### **9. To receive the minutes of the Health and Safety Committee meeting on 7 March 2024**

#### **10. Review of the Councillor Code of Conduct**

To allow the members to review the councillor code of conduct

#### **11. Review of the Code of Conduct for Staff**

To allow members to review the code of conduct for staff

#### **12. Review of the Protocol for Member/Officer Relations**

To allow members to review the protocol for member/officer relations

#### **13. Flexible Working Request**

To allow members to consider a flexible working request

*That in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded while members consider this item in accordance with the Public Bodies (Admission to Meetings) Act 1960*

## **14. Exempt Business**

*To move that under Section 1, Paragraph 2 of The Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded from the meeting for this item of business in view of the likely disclosure of confidential matters about information relating to an individual, and information relating to the financial or business affairs of any particular person, within the meaning of paragraphs 1 and 8 of schedule 12A to the Local Government Act 1972 (see Section 1 and Part 1 of Schedule 1 to the Local Government (Access to Information) Act 1985), as amended by the Local Government (Access to Information) (Variation) Order 2006.*

### **a) Agenda item 13 – Flexible Working Request**

LYME REGIS TOWN COUNCIL

HUMAN RESOURCES COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY 13 FEBRUARY 2024

**Present**

**Chairman:** Cllr G. Stammers

**Members:** Cllr C. Aldridge, Cllr P. May, Cllr D. Sarson,

**Officers:** C. Austin (administrative and community engagement assistant), J. Wright (town clerk)

**24/43/HR Public Forum**

There were no members of the public present.

**24/44/HR Apologies**

Cllr C. Reynolds – illness  
Cllr B. Bawden  
Cllr M. Ellis  
Cllr P. Evans – illness  
Cllr B. Larcombe  
Cllr G. Turner

**24/45/HR To confirm the accuracy of the minutes of the Human Resources Committee meeting held on 1 November 2023**

Proposed by Cllr C. Aldridge and seconded by Cllr P. May, the minutes of the meeting held on 1 November 2023 were **ADOPTED**.

**24/46/HR Disclosable Pecuniary Interests**

There were none.

**24/47/HR Dispensations**

There were none.

**24/48/HR Matters arising from the minutes of the Human Resources Committee meeting held on 1 November 2023**

**Review of Councillor Data and Information 2022-23**

Cllr P. May asked whether it had been agreed what data would be used to show member's attendance records on the website.

The town clerk said officers would follow the instruction. He said he was unsure if officers had implemented the data on the website yet but he would check and inform councillors through the members' briefing.

**24/49/HR Update Report**

Members noted the report.

**24/50/HR Human Resources Committee – Objectives**

Cllr C. Aldridge asked when the objectives for this committee would be set for 2024/25.

The town clerk said he was waiting until a committee structure had been set and agreed by the council before allocating objectives to committees and lead officers.

**24/51/HR To receive the minutes of the Health and Safety Committee meeting on 7 December 2023**

Cllr P. May said officers should be commended for achieving the high score on the health and safety audit.

Cllr D. Sarson asked if the operations manager would be taking back responsibility for health and safety.

The town clerk said day-to-day operational management of the external works' team was the acting operations managers' responsibility while the operations manager completed his phased return to work.

**24/52/HR Employment Law Updates**

Cllr G. Stammers asked what rolled-up holiday pay entailed.

The town clerk said when he first started with the organisation the amenities staff had their leave rolled-up and included in their pay because they were working on zero hour contracts. This practice was stopped because it was illegal. He said a change in legislation meant that once again, any staff on zero hour contracts would now be able to legally have their holiday pay rolled up into their salary. Discussions would need to take place with affected staff.

Cllr P. May asked if the council automatically adopted the changes in legislation.

The town clerk said the report detailed all the current changes and that members needed to be aware of what was happening.

Cllr G. Stammers asked if the town clerk could see any challenges with the changes to flexible working arrangements.

The town clerk said historically there had been requests to increase hours worked and there had been a request to reduce hours worked. He said some requests had been agreed and some had been refused; it depended on the impact each request had on the overall delivery of the town council services and what was feasibly possible for the organisation. He said the changes to legislation would be implemented across all employment sectors.

#### **24/53/HR Town Clerk's Annual Appraisal**

Proposed by Cllr P. May and seconded by Cllr C. Aldridge, members **RESOLVED** that under Section 1, Paragraph 2 of The Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded from the meeting for this item of business as it included confidential information relating to an individual within the meaning of paragraphs 1 and 8 of schedule 12A to the Local Government Act 1972 (see Section 1 and Part 1 of Schedule 1 to the Local Government (Access to Information) Act 1985), as amended by the Local Government (Access to Information) (Variation) Order 2006.

Proposed by Cllr D. Sarson and seconded by Cllr C. Aldridge, members **RESOLVED** that the town clerk remained in the meeting for this discussion.

#### **24/54/HR Deputy Town Clerk Spinal Column Point Progression**

Proposed by Cllr P. May and seconded by Cllr C. Aldridge, members **RESOLVED** that under Section 1, Paragraph 2 of The Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded from the meeting for this item of business as it included confidential information relating to an individual within the meaning of paragraphs 1 and 8 of schedule 12A to the Local Government Act 1972 (see Section 1 and Part 1 of Schedule 1 to the Local Government (Access to Information) Act 1985), as amended by the Local Government (Access to Information) (Variation) Order 2006.

#### **24/55/HR Operations Manager, Performance Summary Appraisal**

Proposed by Cllr P. May and seconded by Cllr C. Aldridge, members **RESOLVED** that under Section 1, Paragraph 2 of The Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded from the meeting for this item of business as it included confidential information relating to an individual within the meaning of paragraphs 1 and 8 of schedule 12A to the Local Government Act 1972 (see Section 1 and Part 1 of Schedule 1 to the Local Government (Access to Information) Act 1985), as amended by the Local Government (Access to Information) (Variation) Order 2006.

#### **24/56/HR Support Services Manager, Spinal Column Point Progression**

Proposed by Cllr P. May and seconded by Cllr C. Aldridge, members **RESOLVED** that under Section 1, Paragraph 2 of The Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded from the meeting for this item of business as it included confidential information relating to an individual within the meaning of paragraphs 1 and 8 of schedule 12A to the Local Government Act 1972 (see Section 1 and Part 1 of Schedule 1 to the Local Government (Access to Information) Act 1985), as amended by the Local Government (Access to Information) (Variation) Order 2006.

#### **24/57/HR Finance Manager, Performance Appraisal Summary**

Proposed by Cllr P. May and seconded by Cllr C. Aldridge, members **RESOLVED** that under Section 1, Paragraph 2 of The Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded from the meeting for this item of business as it included confidential information relating to an individual within the meaning of paragraphs 1 and 8 of schedule 12A to the Local Government Act 1972 (see Section 1 and Part 1 of Schedule 1 to the Local Government (Access to Information) Act 1985), as amended by the Local Government (Access to Information) (Variation) Order 2006.

**24/58/HR Acting Operations Manager, Annual Performance Appraisal**

Proposed by Cllr P. May and seconded by Cllr C. Aldridge, members **RESOLVED** that under Section 1, Paragraph 2 of The Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded from the meeting for this item of business as it included confidential information relating to an individual within the meaning of paragraphs 1 and 8 of schedule 12A to the Local Government Act 1972 (see Section 1 and Part 1 of Schedule 1 to the Local Government (Access to Information) Act 1985), as amended by the Local Government (Access to Information) (Variation) Order 2006.

**24/59/HR Spinal Column Point Progression and Pay Arrangements For Other Employees for 2024/25**

Proposed by Cllr P. May and seconded by Cllr C. Aldridge, members **RESOLVED** that under Section 1, Paragraph 2 of The Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded from the meeting for this item of business as it included confidential information relating to an individual within the meaning of paragraphs 1 and 8 of schedule 12A to the Local Government Act 1972 (see Section 1 and Part 1 of Schedule 1 to the Local Government (Access to Information) Act 1985), as amended by the Local Government (Access to Information) (Variation) Order 2006.

**24/60/HR Administrative and Community Engagement Assistant, Six-Month Probation Review**

Proposed by Cllr P. May and seconded by Cllr C. Aldridge, members **RESOLVED** that under Section 1, Paragraph 2 of The Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded from the meeting for this item of business as it included confidential information relating to an individual within the meaning of paragraphs 1 and 8 of schedule 12A to the Local Government Act 1972 (see Section 1 and Part 1 of Schedule 1 to the Local Government (Access to Information) Act 1985), as amended by the Local Government (Access to Information) (Variation) Order 2006.

**24/61/HR Exempt Business**

**a) Town Clerk's Annual Appraisal**

Proposed by Cllr P. May and seconded by Cllr C. Aldridge, members agreed to **RECOMMEND TO FULL COUNCIL** to approve the town clerk's progression to spinal column point 47 on 1 April 2024

**b) Deputy Town Clerk, Spinal Column Point Progression**

Members noted the report.

**c) Operations Manager, Performance Summary Appraisal**

Proposed by Cllr C. Aldridge and seconded by Cllr G. Stammers, members agreed to **RECOMMEND TO FULL COUNCIL** to approve the operation's manager's progression to spinal column point 33 on 1 April 2024

**d) Support Services Manager, Spinal Column Point Progression**

Proposed by Cllr G. Stammers and seconded by Cllr D. Sarson, members agreed to **RECOMMEND TO FULL COUNCIL** to approve the support services manager's progression to spinal column point 31 on 1 April 2024

**e) Finance Manager, Performance Summary Appraisal**

Proposed by Cllr P. May and seconded by Cllr C. Aldridge, members agreed to **RECOMMEND TO FULL COUNCIL** to approve the finance manager's progression to spinal column point 28 on 1 April 2024

**f) Acting Operations Manager, Annual Performance Appraisal**

Proposed by Cllr P. May and seconded by Cllr M. Ellis, members agreed to **RECOMMEND TO FULL COUNCIL** to approve the acting operations manager's progression to spinal column point 24 on 1 April 2024.

Proposed by Cllr G. Stammers and seconded by Cllr P. May, members agreed to **RECOMMEND TO FULL COUNCIL** to award a ex gratia payment of £750 in recognition of performance and dedication to the organisation, to the acting operations manager and acting operations supervisor.

**g) Spinal Column Point Progression and Pay Arrangements For Other Employees for 2024/25**

Proposed by Cllr D. Sarson and seconded by Cllr G. Stammers, members agreed to **RECOMMEND TO FULL COUNCIL** to note the spinal column point progressions for post holders 217, 216, 203, 206, 215, 202, 210, 218, 107, 106, 104, 109 and 110.

**h) Administrative and Community Engagement Assistant, Six-Month Probation Review**

Proposed by Cllr C. Aldridge and seconded by Cllr P. May, members agreed to **RECOMMEND TO FULL COUNCIL** to approve the administrative and community engagement assistant's (post holder 109) continued employment with the council, effective from 12 January 2024.

*The meeting closed at 8.11pm.*



**Committee:** Human Resources

**Date:** 27 March 2024

**Title:** Matters arising from the minutes of the Human Resources Committee meeting held on 13 February 2024

**Purpose of the Report**

To update members on matters arising from the previous meeting that are not dealt with elsewhere on this agenda and to allow members to seek further information on issues raised within the minutes of the previous meeting.

**Recommendation**

Members note the report

**Report**

**24/53/HR – Town Clerk’s Annual Appraisal**

The town clerk’s spinal column point progression has been confirmed by letter.

**24/55/HR – Operations Manager, Performance Summary Appraisal**

The operations manager’s spinal column point progression has been confirmed by letter.

**24/56/HR – Support Services Manager, Spinal Column Point Progression**

The support service manager’s spinal column point progression has been confirmed by letter.

**24/57/HR – Finance Manager, Performance Appraisal Summary**

The finance manager’s ’s spinal column point progression has been confirmed by letter.

**24/58/HR – Acting Operations Manager, Annual Performance Appraisal**

The acting operations manager’s spinal column point progression has been confirmed by letter.

**24/59/HR – Spinal Column Point Progression and Pay Arrangements For Other Employees for 2024/25**

All employees who are progressing to the next spinal column point progression have had this confirmed by letter.

**24/60/HR – Administrative and Community Engagement Assistant, Six-Month Probation Review**

The administrative and community engagement assistant's permanent appointment has been confirmed by letter.

John Wright  
Town clerk  
March 2024

**Committee:** Human Resources

**Date:** 27 March 2024

**Title:** Update Report

**Purpose of Report**

To update members on issues previously reported to this committee

**Recommendation**

Members note the report

**Report**

**National Joint Council (NJC) trade union pay claim**

On 29 February 2024, the Joint Trade Union Side (Unison, GMB and Unite) made a pay claim for 2024-25 to the Local Government Association. The claim was for:

- An increase of at least £3,000 or 10 per cent (whichever is greater) on all spinal column points
- Reviews of the gender, ethnicity and disability pay gaps in local government
- A two-hour reduction in the working week, with no detriment
- An additional day of annual leave for personal or well-being purposes (with term-time only staff also receiving a full day rather than a pro rata amount, that they can use at any time, including term time)
- A phased approach to reaching a minimum pay rate of £15 an hour in a maximum of two years, sooner if possible

Principal authorities will be consulted on the unions' claim at online regional pay briefings scheduled to take place between 7 and 27 March 2024. The National Employers will then meet (date to be confirmed) to reflect on the feedback from the briefings and to determine an appropriate pay offer for the trade unions' consideration.

**Gardener/maintenance operative**

Stuart Christie started in the gardener/maintenance operative role on 19 February 2024.

**Amenities assistant**

Amenities assistant Janet Doran has now retired. The position was advertised, with a closing date of 16 February 2024 and five applications were received. Interviews took place on 21 February 2024 and Stephen Abraham was appointed to the position. Stephen will start in the role on 1 April 2024.

**Property and projects assistant**

Property and projects assistant Jonathan Smith has handed in his notice; his last working day is 22 March 2024.

As this is a two-year fixed-term post and Jonathan has worked for the council for six months, it has been advertised for an 18-month fixed-term period. The closing date for applications is 17 April 2024.

John Wright  
Town clerk  
March 2024

**Committee:** Human Resources

**Date:** 27 March 2024

**Title:** Human Resources Committee – Objectives

**Purpose**

To allow members to review progress of the committee's 2023-24 objectives

**Recommendation**

Members note the report

**Background**

1. During the 2023-24 budget-setting process, objectives were agreed for the year and a budget estimate identified against each project.

**Report**

2. The objectives have been assigned to committees and members can review progress at each meeting.
3. This committee's 2023-24 objectives, along with the allocated budget, completion date and lead officer, are at **appendix 8A**. There are no updates on this occasion.
4. Any recommendations from this committee will be considered by the Full Council on 1 May 2024.

John Wright  
Town clerk  
March 2024

**APPENDIX 8A**

<b>Objective</b>	<b>Budget</b>	<b>Completion date</b>	<b>Lead officer</b>	<b>Comments</b>
Obtaining a health and safety audit score of 85%+	N/A	December 2023	MAD PW	<p>Audit scheduled for autumn 2023. Acorn contacted to undertake health and safety audit in Oct/Nov 2023.</p> <p>Acorn carried out the health and safety audit on 23 October 2023. The report will be brought to the next committee meeting on 20 December 2023.</p> <p>Audit score of 99% achieved and reported to the Full Council on 13 December 2023.</p>
Delivering the Civility and Respect agenda to members	N/A	December 2023 May 2024	AM	<p>Report introducing the Civility and Respect project to be brought to this committee on 12 April 2023.</p> <p>Report to November HR to outline project timetable for working with the new administration.</p> <p>Report will be taken to the Strategy and Finance Committee.</p> <p>Report on preparing for the new administration considered by the Full Council on 13 December 2023. It was noted a report would be brought to the annual meeting of the Full Council in May 2024 to introduce the new administration to the Civility and Respect project. The report will include a model pledge, but will propose the pledge is not signed until the council is confident it can comply with its conditions.</p>

LYME REGIS TOWN COUNCIL

HEALTH AND SAFETY COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY 7 MARCH 2024  
AT 2PM IN LYME REGIS TOWN COUNCIL OFFICE

**Chairman:** Cllr D. Sarson

**Members:** Cllr G. Stammers, Cllr D. Sarson, A. Jefferies (staff member), P. Williams (staff member)

**Officers:** J. Wright (town clerk), M. Adamson-Drage (operations manager), C. Austin (administrative and community engagement assistant)

**Apologies** J. Wright  
A. Jefferies – annual leave

**Minutes**

Cllr D. Sarson asked whether the asbestos had been removed ahead of the staff moving into the harbour master's store.

The acting operations manager said the asbestos reports had been carried out and it would be removed from the store before the staff moved in.

The operations manager said it had not been featured in the asbestos register because there would have to be a full asbestos demolition survey done before staff were due to move into the building.

Cllr D. Sarson asked for members to acknowledge the minutes were a true record of the meeting. Proposed by Cllr G. Stammers and seconded by the acting operations manager. Carried.

**Matters Arising**

**Health and safety policy and procedures**

The operations manager said there were no changes other than a change of date.

All new starters have read and signed the COSHH policy and all risk assessments.

**Item 1. Accidents, Injuries and Near Misses - review**

The acting operations manager said there had been 1 staff accident. The member of staff had been cleaning at the harbour master's store, he lifted pallets onto the works vehicle and his hand was squashed between the pallets. This resulted in no breaks only bruising and no time off due to the injury, other than the time taken to attend a hospital appointment to get the injury checked out.

**Item 2. Fire safety records / Playgrounds / Automated External Defibrillator (AED) – review**

All Fire safety records up to date.

All Playground Checks up to date.

AED records up to date.

### **Item 3. Ops Manager Monthly Inspection and Regular Inspections – review**

The operations manager said February monthly inspections had not been fully completed yet. He said the last monthly inspection that was fully completed was January.

The acting operations manager said moving offices would eliminate some of the problems regarding the office.

- Main themes from the monthly inspection:
- Roof leaking in cadet hut
- COSHH products not stored in correct locker
- Uneven floor in the office (upstairs – third floor)
- All windows create drafts and leak water when it rains
- Office staff need to do manual handling training
- DSE forms to complete for M. Green, A. Mullins
- Cracks in the gardens paths – ongoing
- Handrails in Monmouth Beach car park need attention
- Bench grinder out of service due to damage and a missing guard
- CCTV cameras at the skatepark
- Contractors working on excavating land movement from landslide at Monmouth Beach

Cllr G. Stammers asked whether officers would create a new risk assessment for the new office.

The operations manager said the 'working in an office' risk assessment would cover the same principles when staff moved offices.

### **Item 4. H&S Policy Statement of Intent targets - review**

Target 1 – not met, due to staff accident.

Targets 2-15 successfully met.

### **Item 5. Training**

Toolbox talks completed since last meeting:

Weather Exposure,  
Safe Use of Solvents,  
Hand Protection,  
Protecting the Public,  
Nail Guns,  
Asbestos.

Fire training and Manual Handling for S. Allman.



***Item 6: Any other business***

There was none.

***Item 7. Next Meeting Date***

The next meeting has been set to take place on Thursday 13<sup>th</sup> June 2024 at 2pm.

*The meeting ended at 2:35pm.*

DRAFT

**Committee:** Human Resources

**Date:** 27 March 2024

**Title:** Review of the Councillor Code of Conduct

### **Purpose of the Report**

To allow the members to review the councillor code of conduct

### **Recommendation**

Members review the councillor code of conduct and suggest any local amendments

### **Background**

1. The Local Government Association (LGA) published a model councillor code of conduct in December 2020 in association with key partners and after consultation with the sector. The model is a code for councils to adopt in whole and/or with local amendments.
2. At the Strategy and Finance Committee on 31 March 2021, members considered adopting the model code. It was suggested at that meeting the model code was adopted in its entirety, with the exception of the introduction, and sections from the council's previous code were added in as 'local amendments' to further strengthen it.
3. At the Full Council meeting on 21 April 2021, the model code was adopted, having been retained as a whole and including local amendments.

### **Report**

4. The LGA did not suggest a timescale for review of the code but 'committed to reviewing the code on an annual basis to ensure it is still fit for purpose'. However, there has been no review since its implementation. Although there has been no review, the Civility and Respect project endorsed the model code in February 2022. At that time, guidance on the code was written by the LGA and adapted for town and parish councils as part of the Civility and Respect project in October 2022.
5. The guidance is available [here](#). This will be provided to councillors along with the code.
6. This council reviews its policies and procedures either on an annual basis (normally because Standing Orders require this) or more commonly every three years.
7. As the code was last reviewed in April 2021, officers feel it is appropriate to review the code three years after its implementation. Officers also feel it is appropriate to review the code before the new administration, so incoming councillors are signing up to an up-to-date code.
8. The Councillor Code of Conduct is attached, **appendix 10A**.
9. There are no suggested amendments from officers but members may wish to make further local amendments.

10. Any recommendations from this committee will be considered by the Full Council on 1 May 2024.

Adrienne Mullins  
Support services manager  
March 2024



## Lyme Regis Town Council

### Councillor Code of Conduct

April 2024

#### Introduction

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 residents, 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.

Pursuant to section 27 of the Localism Act 2011, all councils are required to have a local Councillor Code of Conduct.

This code cannot cover every eventuality. Its purpose is to identify the standards expected of members. It does not replace the general requirements in law.

#### Definitions

For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

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 of Conduct, "local authority" includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities,

police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

## **Purpose of the Code of Conduct**

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the code. The fundamental aim of the code is to create and maintain public confidence in the role of councillor and 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 officers; should uphold the Seven Principles of Public Life, 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.

## **Application of the Code of Conduct**

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

The monitoring officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the monitoring officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their clerk, who may refer matters to the monitoring officer.

## **Standards of councillor conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

### **General Conduct**

#### **1. Respect**

##### **As a councillor:**

##### **1.1 I treat other councillors and members of the public with respect.**

##### **1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

## **2. Bullying, harassment and discrimination**

**As a councillor:**

**2.1 I do not bully any person.**

**2.2 I do not harass any person.**

**2.3 I promote equalities and do not discriminate unlawfully against any person.**

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.

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 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.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

## **3. Impartiality of officers of the council**

**As a councillor:**

**3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

## **4. Confidentiality and access to information**

**As a councillor:**

**4.1 I do not disclose information:**

**a. given to me in confidence by anyone**

**b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**

**i. I have received the consent of a person authorised to give it; ii. I am required by law to do so;**

**iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**

**iv. the disclosure is:**

**1. reasonable and in the public interest; and**

**2. made in good faith and in compliance with the reasonable requirements of the local authority; and**

**3. I have consulted the monitoring officer prior to its release.**

**4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

**4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## **5. Disrepute**

**As a councillor:**

**5.1 I do not bring my role or local authority into disrepute.**

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council while continuing to adhere to other aspects of this code of conduct.

## **6. Use of position**

**As a councillor:**

**6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.



## **7. Use of local authority resources and facilities**

**As a councillor:**

**7.1 I do not misuse council resources.**

**7.2 I will, when using the resources of the local or authorising their use by others:**

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

## **8. Complying with the Code of Conduct**

**As a Councillor:**

**8.1 I undertake Code of Conduct training provided by my local authority.**

**8.2 I cooperate with any Code of Conduct investigation and/or determination.**

**8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

**8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with the monitoring officer.

**Protecting your reputation and the reputation of the local authority**

## **9. Interests**

**As a councillor:**

**9.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the monitoring officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

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

**Appendix B sets** out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from the monitoring officer.

## **10. Gifts and hospitality**

### **As a councillor:**

**10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my 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 any permission, licence or other significant advantage.**

**10.2 I register with the monitoring officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**

**10.3 I register with the monitoring officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact the monitoring officer for guidance.

## **Corruption**

Members must be aware that it is a serious criminal offence for them corruptly to receive or be given any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the member to demonstrate that any such rewards have not been corruptly obtained.

Members should report to the town clerk any corrupt offer that is made to them.

Members have a duty to raise any issues where they have reason to believe fraud or corruption of any kind is involved. The member or officer should also notify the town clerk who will then advise on notification to any regulatory agency such as the police or external audit in appropriate cases.

### **Use of Financial Resources**

Members must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money for the council, the local community, and any public or charitable funds, and to avoid legal challenge to the council.

### **Relationships**

#### Staff

- a. Mutual respect between employees and elected members is essential to good local government.

#### The Local Community and Service Users

- a. Members should always remember their responsibilities to the community they serve and should conduct themselves in a courteous, efficient and impartial manner to all groups and individuals within that community.

#### Contractors

- a. All relationships of a business or private nature with external contractors, or potential contractors, should be made known in writing to the town clerk. Orders and contracts must be awarded on merit and in accordance with the town council's Standing Orders and Financial Regulations, normally by fair competition against other tenderers. No special favour in the tendering process should be shown to businesses run by, for example, friends, partners or relatives. No part of the local community should be discriminated against.
- b. Members who have previously had or currently have a relationship in a private or domestic capacity with a contractor should declare that relationship in writing to the town clerk.

#### Media

- a. All members must comply with the requirements of the Local Government Act 1986 which prohibits councils from publishing any material which seems designed to affect public support for a political party.
- b. Matters surrounding council publicity and relationships with the media are dealt with in the PR/Communications Policy and Procedure.

### **Appointment and other Employment Matters**

Members involved in appointments should ensure that these are made on the basis of merit. It is unlawful for a member to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. To avoid any possible accusation of bias, members should not be involved in an appointment where they are related to an applicant or have a close personal relationship outside work with him or her.

Similarly, members should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, or with whom they have a close personal relationship outside work.

## **Appendices**

### **Appendix A – The Seven Principles of Public Life**

The principles are:

#### **Selflessness**

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

#### **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 disclose and resolve any interests and relationships.

#### **Objectivity**

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

#### **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.

#### **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.

#### **Honesty**

Holders of public office should be truthful.

#### **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

### Registering interests

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.

### Non-participation in case of disclosable pecuniary interest

4. 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.
5. 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

### Dispensations

6. 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 he/she has an interest in as outlined in appendix B 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.

7. Dispensations can be requested and may be granted by the proper officer up to 12 noon on the day of the meeting that the request relates to, except in special circumstances at the town clerk's discretion.

### **Disclosure of Other Registerable Interests**

8. 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.

### **Disclosure of Non-Registerable Interests**

9. 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.

10. 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

11. 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.

12. 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.

## Sanctions

13. Any breach of this code should be subject to the process as set out at Dorset Council (DC). Currently, any breach should be referred to DC's monitoring officer. The monitoring officer, in conjunction with DC's chief executive or nominated director will make a decision about whether a complaint should be investigated or not. If the complaint relates to a pecuniary interest, then the complaint will be referred immediately to the police.
14. If a complaint is investigated, the investigation is undertaken by DC's monitoring officer who submits his report to DC's chief executive or nominated director for a decision.
15. If DC's chief executive or nominated director's assessment is that a breach of the Lyme Regis Town Council code has occurred, the case will be referred back to the town council to decide whether any sanction should be imposed against the councillor concerned.
16. The sanctions available to the council are limited. They are:
  - Censure
  - Apology
  - Training
  - Reprimand
17. There are no legal sanctions that the council can impose on a member who breaches the Code of Conduct. However, members can voluntarily agree to accept sanctions determined by the council, which are assessed as commensurate with any breach of the code. The voluntary sanctions, which can be imposed in addition to those outlined in paragraph 6.4, individually or in any combination, are:
  - a. Restriction for a period not exceeding six months of that member's access to the premises of the authority of that member's use of the resources of the authority, provided that those restrictions are reasonable and proportionate to the nature of the breach, and do not unduly restrict the person's ability to perform the functions of a member
  - b. Partial suspension of that member for a period not exceeding six months
  - c. Suspension of that member for a period not exceeding six months
  - d. That the member submits a written apology in a specified form
  - e. That the member undertakes such training as the council specifies
  - f. That the member participates in such conciliation as the council specifies
  - g. Partial suspension of the member for a period not exceeding six months or until such time as the member submits a written apology in a form specified by the council
  - h. Partial suspension of the member for a period not exceeding six months or until such time as the member has undertaken such training or has participated in such conciliation as the council specifies



- i. Suspension of the member for a period not exceeding six months or until such time as the member has submitted a written apology in a form specified by the council
  - j. Suspension of the member for a period not exceeding six months or until such time as the member has undertaken such training or has participated in such conciliation as the council specifies
18. The council may direct that the sanction imposed, or a combination of sanctions, shall commence on such date, within a period of six months after the imposition of that sanction, as the committee specifies.
  19. The sanctions to be imposed upon a member will be considered by the council's Human Resources Committee and recommended to the Full Council for resolution. Any sanctions will not take effect until a resolution of the Full Council has been made. Any sanctions resolved by the council will be published on the website.
  20. If a member has a complaint about another member, they should discuss the matter in the first instance with the mayor. If a member considers that the behaviour of another member is such that it requires further investigation, he/she can then refer the matter to DC's monitoring officer.

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, 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.
<b>Contracts</b>	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were 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.
<b>Land and Property</b>	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
<b>Licences</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.

<b>Corporate tenancies</b>	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
<b>Securities</b>	Any beneficial interest in securities* of a body where— (a) that body (to the councillor'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 councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were 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.

**Table 2: Other Registrable Interests**

<p>You have a personal interest in any business of your authority where it relates to or is likely to affect:</p> <p>a) any body of which you are in general control or management and to which you are nominated or appointed by your authority</p> <p>b) any body</p> <p>(i) exercising functions of a public nature</p> <p>(ii) any body directed to charitable purposes or</p> <p>(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)</p>
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## Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on Local Government Ethical Standards. If the Government chooses to implement any of the recommendations, this could require a change to this code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals' process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

**Best practice 1:** Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

**Best practice 2:** Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

**Best practice 3:** Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

**Best practice 4:** An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

**Best practice 5:** Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

**Best practice 6:** Councils should publish a clear and straightforward public interest test against which allegations are filtered.

**Best practice 7:** Local authorities should have access to at least two Independent Persons.

**Best practice 8:** An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

**Best practice 9:** Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

**Best practice 10:** A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

**Best practice 11:** Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

**Best practice 12:** Monitoring officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

**Best practice 13:** A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the monitoring officer from a different authority to undertake the investigation.

**Best practice 14:** Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

**Best practice 15:** Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

***The LGA has committed to reviewing the code on an annual basis to ensure it is still fit for purpose.***

**Committee:** Human Resources

**Date:** 27 March 2024

**Title:** Review of the Code of Conduct for Staff

**Purpose**

To allow members to review the code of conduct for staff

**Recommendation**

Members review the staff code of conduct and suggest any amendments

**Background**

1. The code of conduct for staff was introduced in April 2014 and last reviewed in July 2017.
2. The code was due to be reviewed in July 2020 but due to Covid, this didn't happen.

**Report**

3. There are two proposed amendments to the code, **appendix 11A:**
  - Paragraph 2.2 – to include other managers
  - Paragraph 6.3 – this is removed as there are no politically restricted posts in the organisation. Paragraph 6.4 has also been amended to reflect this.
4. Members may wish to suggest further amendments.
5. Any recommendations from this committee will be considered by the Full Council on 1 May 2024.

Adrienne Mullins  
Support services manager  
March 2024

## Code of Conduct for Staff

### 1. Introduction

- 1.1 The public are entitled to expect the highest standards of conduct from the town council and its staff. Confidence in the integrity of staff will be threatened by any suspicion, whether well-founded or not, that staff may be influenced, in the performance of duties, by improper motives.
- 1.2 This code is closely based upon a model Code of Conduct for Local Government Employees which has been recommended to local authorities by the Local Authority Management Board. It has been adopted by the town council as setting out the standards of conduct expected of its employees.
- 1.3 Whilst it is not in itself a disciplinary code, any failure to follow the standards it sets out may, depending upon the circumstances, constitute misconduct which could lead to disciplinary action, including dismissal.
- 1.4 This code has due regard for upholding the 10 general principles of public life: selflessness, honesty/integrity, objectivity, accountability, openness, leadership, personal judgement, respect for others, duty to uphold the law and stewardship. See appendix A for further details.

### 2. Who is the code aimed at?

- 2.1 The code applies to all employees of Lyme Regis Town Council.
- 2.2 Inevitably some of the issues it covers will particularly affect the town clerk, deputy town clerk, operations manager, **support services manager and finance manager**. However, the code is intended to cover all employees who have a contract of employment with the town council.

### 3. General Obligations

- 3.1 Employees should always act with good faith towards the town council's business and should promote its interests. Employees should not do anything adversely to affect the town council's reputation by any means. This includes through the use of websites, social networking, or other social media in and outside of work.

### 4. Standards

- 4.1 Local government employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to elected members and to fellow employees with impartiality. Employees will be expected, without fear of recrimination, to bring to the attention of their line manager any deficiency in the provision of service. Employees must report to their line manager any fraud, corruption or other malpractice, any impropriety or any breach of procedure. If employees find themselves in difficulty in doing this, they should report this to the town clerk.
- 4.2 Lyme Regis Town Council expects high standards of personal conduct from its employees at work and when representing the council externally, who would show courtesy, efficiency, reliability, sobriety and punctuality.

## **5. Disclosure of Information, Confidentiality and Data Protection**

- 5.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The town council will generally wish to be open about other types of information too.
- 5.2 However, employees should not disclose personal or financial information about any other person, which they obtain in the course of their duties to the town council, other than in the course of those duties.
- 5.3 Employees should respect the confidentiality of reports which are marked 'Exempt' or 'Confidential', and of any other information which they receive under an obligation of confidence.
- 5.4 Employees should not use any information obtained in the course of their employment for personal gain or benefit. Nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from an elected member which is personal to that member and does not belong to the authority should not be divulged by the employee without the prior approval of that elected member, except where such disclosure is required or sanctioned by the law.

## **6. Political Neutrality**

- 6.1 Employees serve the town council as a whole. It follows that they must serve all elected members and not just those who may constitute a 'controlling group'. Employees must ensure that the individual rights of all members are respected.
- 6.2 Employees should not, in their capacity as council employees, attend meetings of political groups, unless the occasion has been specifically authorised by the town clerk. They should take care not to compromise their political neutrality.
- ~~6.3 Some employees occupy posts which are 'politically restricted', under the provisions of the Local Democracy, Economic Development and Construction Act 2009. This will be stated in their contract of employment. These employees are disqualified from membership of a local authority, other than a parish or community council, and from being an MP or MEP: they are also subject to restrictions in other political activity.~~
- 6.4 Employees, ~~whether or not politically restricted~~, must follow every lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.

## **7. Relationships**

### **7.1 Elected Members**

Employees are responsible to the town council through the town clerk. For some, their role is to give advice to elected members and all are there to carry out the town council's work. Mutual respect between employees and elected members is essential to good local government. Close personal familiarity between employees and elected members can damage the relationship and prove embarrassing to other employees and elected members and should be avoided.



## 7.2 The Local Community and Service Users

Employees should always remember their responsibilities to the community they serve and should provide courteous, efficient and impartial service delivery to all groups and individuals within that community.

## 7.3 Contractors

7.3.1 All relationships of a business or private nature with external contractors, or potential contractors, should be made known in writing to the town clerk. Orders and contracts must be awarded on merit and in accordance with the town council's Standing Orders and Financial Regulations, normally by fair competition against other tenderers. No special favour in the tendering process should be shown to businesses run by, for example, friends, partners or relatives. No part of the local community should be discriminated against.

7.3.2 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with a contractor, should declare that relationship in writing to the town clerk.

## 8. Appointment and other Employment Matters

8.1 Employees involved in appointments should ensure these are made on the basis of merit. It is unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. To avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant or have a close personal relationship outside work with them.

8.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, or with whom they have a close personal relationship outside work.

## 9. Private Work

9.1 Full-time employees may not, without the previous approval of the town clerk, hold any other paid appointment or conduct any paid business. Such approval will be withheld if such work would conflict with or have a detrimental effect on the town council's business. In the case of the town clerk, any request would need to be considered by the Human Resources Committee.

9.2 Part-time employees must declare to the town clerk details of any other paid employment or business. Such employment must not conflict with or have a detrimental effect upon the town council's business.

9.3 No private work may be undertaken in the town council's time, or on the town council's premises, or on town council's equipment, without the prior written approval of the town clerk.

9.4 If in the course of your work with the town council copyright work is created, that work becomes the property of the town council. Similarly, if in the course of an employee's work a patentable invention is created, or a design which is capable of registration is created, then this will also become the property of the town council, and the employee will be required to co-operate in the registration formalities.

## **10. Personal and Conflicts of Interests**

- 10.1 Employees must declare in writing to the town clerk any non-financial interests that they consider could bring about conflict with the authority's interests.
- 10.2 Employees must declare in writing to the town clerk any financial interest which could conflict with or support the authority's interests.
- 10.3 Under Section 117 of the Local Government Act of 1972, employees must declare any financial interest which they or their spouse may have in any existing or proposed contract with the town council. Failure to do so is a criminal offence.
- 10.4 Non-financial interests or relationships which could cause potential conflict must also be declared, e.g. acting as a school governor, or involvement with an organisation or pressure group which may oppose the town council's policies.
- 10.5 Employees should declare to the town clerk membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct. For example, employees should declare in writing to the town clerk membership of freemasonry.

## **11. Equality Issues**

- 11.1 The council promotes fairness and equality for all, operating with professionalism, integrity and openness. Throughout its policies and practice, the council aims to make sure it does not knowingly create an unfair disadvantage for anyone, directly or indirectly. Employees are expected to uphold this principle.
- 11.2 Employees should ensure policies relating to equality issues as agreed by the council are complied with in addition to the requirements of the law.
- 11.3 All members of the local community, customers and other employees have a right to be treated with fairness and equality.
- 11.4 Employees should ensure no person or group of people receiving services from, or applying for employment or contracts with the council, will be treated less favourably than any other person or group of people because of their gender, sexual orientation, marital or civil partnership status, race, colour, ethnic or national origin, nationality, religion or belief, political beliefs, disability, age, class, responsibility for dependents, part time or shift workers, unrelated criminal offences, or any other matter which causes a person to be treated with injustice.

## **12. Tendering**

- 12.1 Employees must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 12.2 Employees who are privy to confidential information on tenders or costs should not disclose that information to any unauthorised party or organisation.
- 12.3 Employees should ensure no special favour is shown to current or recent former employees or their spouses, close relatives or associates in awarding contracts to businesses run by them or employing them in any capacity.

### **13. Corruption**

- 13.1 Employees must be aware that it is a serious criminal offence for them to corruptly receive any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.
- 13.2 Employees should report to the town clerk any corrupt offer that is made to them.
- 13.3 Officers have a duty to raise any issues where they have reason to believe fraud or corruption of any kind is involved. The member or officer should also notify the town clerk who will then advise on notification to any regulatory agency such as the police or external audit in appropriate cases.

### **14. Use of Financial Resources**

- 14.1 Employees must ensure they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money for the council, the local community, and any public or charitable funds, and to avoid legal challenge to the authority.
- 14.2 If employees are in charge of funds or resources, they must only use them for the purpose intended in a responsible and lawful manner. Employees should seek to protect such funds and resources from abuse, theft or waste.

### **15. Hospitality**

- 15.1 Employees should not accept offers of hospitality unless there is a genuine need to impart information or represent the town council in the community. Invitations to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the authority should be seen to be represented. They should not be accepted unless first authorised in writing by the town clerk.
- 15.2 When hospitality has to be declined, those making the offer should be courteously but firmly informed of the procedures and standards operating within the town council.
- 15.3 Employees should not accept significant personal gifts from contractors or outside suppliers, although employees may keep insignificant items of token value such as pens, calendars, and diaries, up to a maximum value of £10.
- 15.4 When receiving authorised hospitality, employees should be particularly sensitive as to its timing in relation to decisions which the town council may be taking affecting those providing the hospitality.
- 15.5 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear that the hospitality is corporate rather than personal, and where the town clerk gives consent in advance and where any purchasing decisions are not compromised. Where visits to inspect equipment or other merchandise are required, employees should ensure the town council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

## **16. Sponsorship - Giving and Receiving**

- 16.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 16.2 Where the town council wishes to sponsor an event or service, neither an employee nor any spouse, relative or close associate must benefit from such sponsorship in a direct way without there being full written disclosure to the town clerk. Similarly, where the town council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

## **17. Other Documents**

- 17.1 The town clerk must ensure employees are aware of the town council's Standing Orders, Financial Regulations and of any other relevant policies and procedures and they should comply with them.

## **18. Generally**

- 18.1 This code cannot cover every eventuality. Its purpose is to identify the standards expected of employees. It does not replace the general requirements in law.
- 18.2 The town council's Councillor Code of Conduct contains advice which is also relevant to employees, outlining that it is not enough to avoid actual impropriety. A person should avoid any occasion for suspicion and any appearance of improper conduct.
- 18.3 Any employee who is uncertain as to the conduct expected of them in a particular situation must consult their line manager or the town clerk.
- 18.4 If an employee becomes aware of any deficiencies in service delivery or procedures or improprieties that breach this code, they should bring it to the attention of the town clerk. If they feel unable to discuss or refer the matter to the town clerk, an employee can discuss the issue with the chairman of the Human Resources Committee or deploy the council's Whistle-Blowing Policy.

## **19. Review**

- 19.1 This code will be reviewed in May 2027 or sooner if there are changes in legislation or best practice.

**Implementation date:** 1 May 2024

**Review Date:** May 2027

John Wright  
Town clerk  
May 2017

## **Appendix A**

### **The 10 General Principles of Public Life**

#### **1. Selflessness**

Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

#### **2. Honesty and Integrity**

Members should not place themselves on situations where their honesty and integrity may be in question, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

#### **3. Objectivity**

Member should make decision on merit, including when making appointments awarding contracts, or recommending individuals for rewards or benefits.

#### **4. Accountability**

Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

#### **5. Openness**

Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

#### **6. Personal Judgement**

Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

#### **7. Respect for Others**

Members should promote equality by not discriminating unlawfully, for example against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

#### **8. Duty to Uphold the Law**

Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

#### **9. Stewardship**

Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

## 10. Leadership

Members should promote and support these principles by leadership and by example, and should always act in a way that secures or preserves public confidence.

DRAFT

**Committee:** Human Resources

**Date:** 27 March 2024

**Title:** Review of the Protocol for Member/Officer Relations

**Purpose**

To allow members to review the protocol for member/officer relations

**Recommendation**

Members review the protocol for member/officer relations and suggest any amendments

**Background**

1. The protocol for member/officer relations was introduced in February 2014 and last reviewed in February 2017.
2. The protocol was due to be reviewed in February 2020 but due to Covid, this didn't happen.

**Report**

3. There are no proposed major amendments to the protocol, **appendix 12A**. The reference to West Dorset District Council in paragraph 2.4 has been changed to Dorset Council and references to 'he/she or 'him/her' have been amended to 'they' and 'them'.
4. Members may wish to suggest further amendments.
5. Any recommendations from this committee will be considered by the Full Council on 1 May 2024.

Adrienne Mullins  
Support services manager  
March 2024

## Protocol for Member-Officer Relations

### 1. Introduction

- 1.1 The purpose of this protocol is to guide council members and officers of the town council in their relations with each other to assist the smooth running of the council.
- 1.2 This protocol cannot seek to be either prescriptive or comprehensive, and the intention is to offer guidance on some of the issues which most commonly arise. It is hoped, however, that the approach adopted will serve as a guide to dealing with other issues and be a useful reference point in the maintenance and promotion of high standards of conduct.
- 1.3 This protocol also seeks to reflect the principles underlying the respective Codes of Conduct which apply to members and officers. The shared objective of these codes is to enhance and maintain the real and perceived integrity of the town council, and they therefore demand very high standards of personal conduct.
- 1.4 One of the key issues to be addressed by the protocol is the question of member/officer relations. Mutual trust and respect should be the key aim; any dealings between members and officers should observe standards of courtesy and neither party should seek to take unfair advantage of their position, and do anything which compromises, or is likely to compromise, the impartiality of officers or undermines them.
- 1.5 Basic respect, mutual understanding, and openness are the greatest safeguard of the integrity of the council, its members and officers.
- 1.6 This protocol is, to a large extent, a written statement of current practice and convention. It seeks to promote greater clarity and certainty.

### 2. General Points

- 2.1 Members should avoid making personal attacks on or derogatory comments about officers and, in particular, avoid undermining respect for officers in council, committee meetings, public forums and through social media. Complaints by officers against members should be directed to the mayor and town clerk as appropriate.
- 2.2 Similarly, officers should avoid making personal attacks on or derogatory statements about members and, in particular, avoid undermining respect for members in council, committee meetings, public forums and through social media. Complaints by members against officers should be directed to the town clerk in the first instance.
- 2.3 If the complaint is about the town clerk, members should discuss the matter with the mayor.
- 2.4 Where member conduct is considered inappropriate, and a member believes there has been a breach of the town council's Code of Conduct or a breach of this or any other protocol by another member, they should refer the matter to the mayor and/or **Dorset Council's** monitoring officer.
- 2.5 Officers with complaints of alleged unethical conduct by members, should, in the first instance, refer such matters to the town clerk.



2.6 Members are entitled to opinions but should not seek to undermine factual information provided by officers.

### **3. The role of Members and Officers**

3.1 The responsibilities of members and officers are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the council and their job is to give advice to councillors and the council, and to carry out the council's work under the direction and control of the council, its committees and sub-committees.

3.2 Officers serve the town council through the Full Council and its committees. They work to the instructions of the town clerk, not individual members of the council, whatever office the member may hold. Officers must not be asked to exceed the bounds of authority delegated to them, nor should they have unreasonable demands placed on them in terms of support to an individual member.

3.3 The town clerk as responsible financial officer and proper officer has specific roles and these are detailed in the Scheme of Delegation. Their role needs to be understood and respected by all members.

### **4. The Relationship**

4.1 The following key principles reflect the way in which the officers generally relate to members:

- All officers are employed by and accountable to the authority as a whole.
- Support from officers is needed for all the authority's functions, including Full Council, committees and sub-committees, and individual members representing their community.
- Day-to-day managerial and operational decisions should remain the responsibility of the town clerk and other officers.
- All officers will be provided with training and development to help them support the various member roles effectively and to understand the new structures.

4.2 Mutual respect between employees and elected members is essential.

4.3 Inappropriate relationships can be inferred from language or style. To protect both members and officers, officers should address members as Councillor XX, save where circumstances clearly indicate that a level of informality is appropriate. In respect of the mayor, he/she should be referred to as Your Worship, save where circumstances clearly indicate that a level of informality is appropriate.

4.4 A member should not raise matters relating to the conduct or capability of an officer in a manner that is incompatible with the objectives of this protocol. This is a long-standing tradition in public service. An officer has no means of responding to such criticisms in public.

4.5 An officer should not raise with a member matters relating to the conduct or capability of another officer.

4.6 On occasion, a decision may be reached which authorises named officers to make decisions and take action that is beyond their delegated authority.

## **5. Officer advice**

- 5.1 It must be recognised by all members and officers that in discharging their duties and responsibilities, officers serve the town council as a whole and not any combination of groups or any individual member of the council.
- 5.2 Officers must at all times maintain a stance which is impartial.
- 5.3 The support provided by officers can take many forms, including a briefing meeting with a chairman prior to a committee or meeting or co-ordinating the activities of the council through joint chairmen's meetings. Any such meetings are not empowered to make decisions on behalf of the town council.
- 5.4 Officers should be required to give information and advice on town council business and issues affecting the town of Lyme Regis. Such support and advice should be available to all members of the council.
- 5.5 Similarly, where officers provide information and advice to a chairman or any other member in relation to a matter of council business, this cannot act as a substitute for providing all necessary information and advice to the relevant committee or sub-committee when the matter in question is considered.
- 5.6 Special care needs to be exercised whenever officers are involved in providing information and advice to meetings, which include persons who are not members of the town council. Such persons are not bound by the Councillor Code of Conduct (in particular, the provisions concerning the registration of disclosable pecuniary interests and confidentiality). Therefore, officers should not attend and give the same level of information and advice as they would to a member-only meeting.
- 5.7 Any particular case of difficulty or uncertainty in this area of officer advice should be raised in the first instance with the town clerk.

## **6. Resources/Support Services for Members**

- 6.1 The only basis on which the town council can lawfully provide resources by way of support services, e.g. stationery, typing, printing, photocopying, transport, to members is to assist them in discharging their role as members of the town council. Such support services should therefore not generally be used by members to support them in their roles as members of other local authorities, or of other bodies. They should never be used in connection with party political or campaigning activity, or for private purposes.

## **7. Members' Access to Information and to Council Documents**

- 7.1 Members are free to approach the town clerk to provide them with such information, explanation and advice about the council's functions as they may reasonably need to assist them in discharging their role as members of the town council. This can range from a request for general information about some aspect of an activity to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the town clerk. Members should not however put undue pressure on officers to release information and documents to which they are not entitled to have access, see below.
- 7.2 Members have a statutory right under the Local Government Act 1972 to inspect any council document which contains material relating to any business which is to be transacted at a

council, committee or sub-committee meeting. This right applies irrespective of whether the member is a member of the committee or sub-committee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers.

- 7.3 Exempt reports should be made available to all members, unless after consulting the relevant committee chairman, the town clerk advises that the content of the report is of such a nature that this is not appropriate. In such instances, the town clerk will inform the relevant committee of the rationale for their decision.
- 7.4 The common law right of members is much broader and is based on the principle that any member has a prima facie right to inspect council documents so far as their access to the documents is reasonably necessary to enable the member properly to perform their duties as a member of the council. This principle is commonly referred to as the 'need to know' principle.
- 7.5 The exercise of this common law right depends upon the member's ability to demonstrate that they have the necessary 'need to know'. In this respect a member has no right to a 'roving commission' to examine documents of the council. Mere curiosity is not sufficient. The crucial question is the determination of the 'need to know'. The town clerk is the officer responsible for determining these questions.
- 7.6 In some circumstances, e.g. a member wishing to inspect documents relating to the functions of the council or committee on which they are a member, a member's 'need to know' will normally be presumed. In other circumstances, e.g. a member wishing to inspect documents which contain personal information about third parties, a member would be expected to justify the request in writing in specific terms.
- 7.7 Finally, any town council information provided to a member must only be used by the member for the purpose for which it was provided i.e. in connection with the proper performance of the member's duties as a member of the council.

## **8. Officer/Chairman Relationships**

- 8.1 It is clearly important there should be a close working relationship between the chairman of a committee and the council's senior officers which report to those committees. However, such relationships should never become so close, or appear to be so close, as to bring into question the officers' ability to deal impartially with issues with other members, nor to undermine public trust and confidence in the town council. This should apply to all members and officers.
- 8.2 Officers will always be fully responsible for the contents of any report submitted in their name; and even if the chairman is unhappy with its contents, it should not be amended other than with the express approval of the relevant officer.
- 8.3 It is important to remember that the town council only allows for decisions, relating to the discharge of any of its functions, to be taken by the Full Council, its committees, or by an officer with delegated powers. Decisions must not be taken by a chairman or indeed by any other single member, unless delegated authority has been given. Officers have a duty to the whole council rather than an individual member.
- 8.4 Finally, it must be remembered that officers are accountable to the town clerk, and that whilst officers should always seek to assist a committee chairman and any other member, they must not, in so doing, go beyond the bounds of whatever authority they have been delegated.

## **9. Business Meetings and Involvement of Members**

- 9.1 Whenever a business meeting is organised by or on behalf of the town council to consider a local issue, the relevant chairman should be invited to attend the meeting. Similarly, whenever the town council undertakes any form of consultative exercise that affects the whole electorate of the town, members should be notified at the outset of the exercise.
- 9.2 Business meetings of the town council will be convened by the town clerk, who will also send any relevant invitations to third parties.
- 9.3 Any business meeting called by an individual member or group of members, rather than by a town council officer, shall not be regarded as a meeting called by the town council. An officer shall not attend such a meeting, in his or her capacity as a town council officer, unless authorised by the town clerk.

## **10. Correspondence**

- 10.1 If an officer copies correspondence addressed to one member, to another member, then this should be made clear to the original member.
- 10.2 Official letters on behalf of the town council should normally be sent out in the name of the appropriate officer, rather than in the name of a member. It may be appropriate in certain circumstances, e.g. representation to a government minister, for a letter to appear in the name of a member, but this should be only in exceptional circumstances. Letters which, for example, convene meetings, create obligations, or give instructions on behalf of the council should never be sent out in the name of a member.
- 10.3 The council recognises the importance of the civic roles within the council and official correspondence from the mayor in relation to civic duties will be sent out in their name.

## **11. Fraud and corruption**

- 11.1 The protocol regarding the accepting of gifts and hospitality is referred to in the respective Codes of Conduct for members and staff.
- 11.2 Members and officers have a duty to raise any issues where they have reason to believe fraud or corruption of any kind is involved. The member or officer should also notify the town clerk who will then advise on notification to any regulatory agency such as the police or external audit in appropriate cases.

## **12. Public relations and press releases**

- 12.1 All officers of the town council must comply with the requirements of the Local Government Act 1986 which prohibits councils from publishing any material which seems designed to affect public support for a political party.
- 12.2 Matters surrounding council publicity and relationships with the media are dealt with in the PR/Communications Policy and Procedure.

### **13. Review**

13.1 This code will be reviewed in May 2027 or sooner if there are changes in legislation or best practice.

**Implementation date:** 1 May 2024

**Review Date:** May 2027

John Wright  
Town clerk  
May 2024

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