

Lyme Regis Town Council

Code of Conduct for Members

Introduction

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

This Code of Conduct is based on the 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.

In accordance with section 28 of the Localism Act 2011, the code must be viewed as a whole to be consistent with the principles set out in appendix A.

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, a 'co-opted member' is a person who is not a member of the council but who is either a member of any committee or sub-committee of the council, or a member of, and represents the council on any joint committee or joint sub-committee of the council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

For the purposes of this code, a 'meeting' is a meeting of the council, any of its committees, sub-committees, joint committees or joint sub-committees.

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

For the purposes of the code, the 'website' is the town council's website.

1. Standards for Behaviour and Member Obligations

- 1.1. He/she shall behave in such a way that a reasonable person would regard as respectful in compliance with the law on equality and diversity.
- 1.2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
- 1.3. He/she shall act solely in the public interest and shall not seek to improperly confer an advantage or disadvantage on any person.
- 1.4. He/she shall use the resources of the council in accordance with its requirements.

- 1.5. He/she shall not disclose information which is confidential without the consent of a person authorised to give it, or a legal requirement to do so, or a need arising from a member seeking professional advice, and without the disclosure being reasonable, in the public interest and in good faith.
- 1.6. He/she shall prepare for and attend meetings, training sessions and other events.
- 1.7. He/she shall represent the town council on occasion.
- 1.8. He/she shall promote and support high standards of conduct and not act in a way which could reasonably be regarded as bringing their office or the council into disrepute.
- 1.9. He/she shall not attempt to compromise the impartiality of those who work for, or on behalf of the council.
- 1.10. He/she shall have regard to the Code of Recommended Practice on Local Authority Publicity, issued under section 4 of the Local Government Act 1986.
- 1.11. He/she shall be as open as possible about their decisions and actions and the decisions and actions of the council, having regard to any relevant advice from the town clerk as responsible finance officer and proper officer, and they must give reasons for all decisions as required by the law.
- 1.12. He/she shall act in the best interests of the council and have regard to any potential conflict.

2. Registration of Members' Disclosable Pecuniary Interests

- 2.1. Within 28 days of this code being adopted by the council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register with West Dorset District Council's (WDDC) monitoring officer any disclosable pecuniary interests which fall within the categories set out in appendix B.
- 2.2. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register with the WDDC monitoring officer any disclosable pecuniary interests in appendix B.
- 2.3. A member shall register with the WDDC monitoring officer any change to or new disclosable pecuniary interests in appendix B within 28 days of becoming aware of it.
- 2.4. A member need only declare the existence but not the details of any interest which the WDDC monitoring officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.
- 2.5. The WDDC monitoring officer must establish and maintain a register of disclosable pecuniary interests of members and co-opted members of the council, but the proper officer of the council will also hold this information, to be available for inspection at all reasonable hours and published on the website. The proper officer is responsible for keeping the register of disclosable pecuniary interests up-to-date.

- 2.6 The council protocol is for members to inform the proper officer of their disclosable pecuniary interests and any changes to existing interests, and this information will be passed on to the WDDC monitoring officer on members' behalf.
- 2.7 Members have a disclosable pecuniary interest if it is of a description as set out in appendix B, and if it is either:
- 2.7.1 A member's interest
 - 2.7.2 An interest of a member's spouse or partner
 - 2.7.3 A person with whom a member is living with as husband and wife
 - 2.7.4 A person with whom a member is living with as civil partners
- 2.8 If members or any of the above people have a disclosable pecuniary interest as set out in appendix B, they must register them and failure to do so can lead to criminal proceedings against them.

3. Declaration of Disclosable Pecuniary Interests at Meetings

- 3.1. As outlined in standing order 1.w, where a matter arises at a meeting which relates to an interest in appendix B, the member shall not participate in a discussion or vote on the matter. He/she only has to verbally declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the monitoring officer of it. The member will then leave the meeting while a discussion and any voting on the matter relevant to their interest takes place.
- 3.2. Where a matter arises at a meeting which relates to an interest in appendix A which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the monitoring officer, the member shall disclose that he/she has an interest but not the nature of it.
- 3.3. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest in appendix A), the member shall disclose the nature of the interest and not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

4. Dispensations

- 4.1. 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.
- 4.2 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.

5. Declaration of Non-Pecuniary Interests

- 5.1 It is important that members must avoid accepting any gifts, hospitality (other than official hospitality such as civic receptions and working lunches), material benefits or services that would, or might reasonably appear to, place them under an improper obligation.
- 5.2 The town clerk will establish and maintain a register of non-pecuniary interests, to be available for inspection at all reasonable hours and available on the website.
- 5.3 Members must record in a public register any gift or hospitality with an estimated value in excess of £50, which they have received in their capacity as a member of the council.
- 5.4 The register must include the date of receipt of the gift or hospitality, the name of the donor, and the reason or nature of the gift or hospitality.
- 5.5 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.
- 5.6 Members should not accept significant personal gifts from contractors or outside suppliers, although members may keep insignificant items of token value such as pens, calendars, and diaries, up to a maximum value of £10.
- 5.7 When receiving authorised hospitality, members should be particularly sensitive as to its timing in relation to decisions which the town council may be taking affecting those providing the hospitality.
- 5.8 Acceptance by members 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, members should ensure that the town council meets the cost of such visits so as to avoid jeopardising the integrity of subsequent purchasing decisions.
- 5.9 Members must also declare and record in a public register membership or a position of general control and/or management in the following bodies:
 - 5.9.1 Bodies to which they have been appointed as a representative of Lyme Regis Town Council
 - 5.9.2 Public authorities or bodies exercising functions of a public nature
 - 5.9.3 Companies, industrial and provident societies, charities or bodies directed to charitable purposes
 - 5.9.4 Bodies whose principal purposes include the influence of public opinion or policy
 - 5.9.5 Trade unions or professional associations

- 5.10 Members are expected to notify the proper officer within 28 days of any receipt of a gift or hospitality, or of becoming aware of any other non-pecuniary interests, so that this can be entered into the register.
- 5.11 Where a matter arises at a meeting which relates to a non-pecuniary interest, the member will be permitted to participate in a discussion and vote on the matter.

6. Sanctions

- 6.1 Any breach of this code should be subject to the process as set out at West Dorset District Council. Currently, any breach should be referred to West Dorset District Council's (WDDC) monitoring officer. The monitoring officer, in conjunction with WDDC'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.
- 6.2 If a complaint is investigated, the investigation is undertaken by WDDC's monitoring officer who submits his report to WDDC's chief executive or nominated director for a decision.
- 6.3 If WDDC'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.
- 6.4 The sanctions available to the council are limited. They are:
 - 6.4.1 Censure
 - 6.4.2 Apology
 - 6.4.3 Training
 - 6.4.4 Reprimand
- 6.5 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:
 - 6.5.1 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
 - 6.5.2 Partial suspension of that member for a period not exceeding six months
 - 6.5.3 Suspension of that member for a period not exceeding six months
 - 6.5.4 That the member submits a written apology in a specified form
 - 6.5.5 That the member undertakes such training as the council specifies

- 6.5.6 That the member participates in such conciliation as the council specifies
 - 6.5.7 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
 - 6.5.8 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
 - 6.5.9 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
 - 6.5.10 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
- 6.6 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.
 - 6.7 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.
 - 6.8 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 WDDC's monitoring officer.

7. Equality and Diversity

- 7.1 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. Members are expected to uphold this principle.
- 7.2 Members should ensure that policies relating to equality issues as agreed by the council are complied with in addition to the requirements of the law.
- 7.3 All members of the local community, customers and other employees have a right to be treated with fairness and equality.
- 7.4 Members should ensure that 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.

8. Corruption

- 8.1 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.
- 8.2 Members should report to the town clerk any corrupt offer that is made to them.
- 8.3 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.

9. Use of Financial Resources

- 9.1 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.

10. Disclosure of Information, Confidentiality and Data Protection

- 10.1 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.
- 10.2 However, members 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.
- 10.3 Members should respect the confidentiality of reports which are marked 'Exempt' or 'Confidential', and of any other information which they receive under either an expressed or implied obligation of confidence.
- 10.4 Members should not use any information obtained in the course of their duties for personal gain or benefit. Nor should they pass it on to others who might use it in such a way.
- 10.5 If a member 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, a member can discuss the issue with the chairman of the Human Resources Committee or deploy the council's Whistle-Blowing Policy.

11. Relationships

- 11.1 Staff

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

11.2 The Local Community and Service Users

11.2.1 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.

11.3 Contractors

11.3.1 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.

11.3.2 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.

11.4 Media

11.4.1 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.

11.4.2 Matters surrounding council publicity and relationships with the media are dealt with in the PR/Communications Policy and Procedure.

12. Appointment and other Employment Matters

12.1 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.

12.2 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.

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.

Appendix B

Interests described in the table below.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the member or his/her spouse or civil partner or the person with whom the member 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.
Land	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 member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.
Corporate tenancies	Any tenancy where (to the member's knowledge)— (a) the landlord is the Council; and (b) the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member 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.
Securities	Any beneficial interest in securities** of a body where— (a) that body (to the member's knowledge) has a place of business or land in the area of the Council; and (b) either— (i) the total nominal value of the securities** exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the member, or his/her spouse or civil partner or the person with whom the member 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.