

**Halton Holegate with Halton Fenside Parish Council**

# **Code of Conduct**

**May 2025**

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## **1. Policy Statement**

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.

## **2. Introduction**

- a. Halton Hologate with Halton Fenside Parish Council ('the Council') has adopted this Code setting out the expected behaviours required of its Members - whether elected or co-opted, acknowledging that they each have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all. The Council is under a duty to promote and maintain high standards of conduct by both elected and co-opted members of the Council. The Council expects such Members to discharge their duties in line with the General Principles of Public Life set out in this Code.
- b. In accordance with the Localism Act 2011 ('the Act') when acting in their official capacity<sup>1</sup>, all Councillors must be committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in the Council. For clarification, the Code of Conduct does not apply to what Councillors do in their private lives.
- c. It is the personal responsibility of each Councillor to comply with the Code and to seek advice from the Monitoring Officer in any cases of doubt that may arise in respect of such compliance.

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<sup>1</sup> You act as a member of the Council in an official capacity when you conduct their business through correspondence or meetings (formal and informal) site visits, briefings and group meetings and outside bodies, when you speak to the public including members of the electorate within the District, or otherwise give the impression that you are so acting. A member appointed to an Outside Body must comply with this Code unless they are bound by another code of conduct from a statutory body to which they are appointed, or unless in cases of a company directorship/trustee they owe their first duty to the outside body (in accordance with the Protocol for Councillor Representation on Outside Bodies in the Constitution).

### **3. 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.

### **4. 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.

### **5. Application of the Code of Conduct**

- a. 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.
- b. This Code of Conduct applies to you when you are acting in your capacity as a Councillor which may include when:
  - i. You misuse your position as a Councillor.
  - ii. 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.
- c. The Code applies to all forms of communication and interaction, when you are acting in your capacity as a Councillor, including:
  - i. At face-to-face meetings.
  - ii. At online or telephone meetings.
  - iii. In written communication
  - iv. In verbal communication
  - v. In non-verbal communication
  - vi. In electronic and social media communication, posts, statements and comments.
- d. You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

- e. Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your 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.

## 6. General Principles of Public Life

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 Principles of Public Life, also known as the Nolan Principles, detailed below. Councillors should behave in a way that is consistent with the following principles:

- **Selflessness:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
- **Integrity:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- **Objectivity:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- **Accountability:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- **Openness:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- **Honesty:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest. This is in addition to any duty to declare and/or withdraw on account of having a Disclosable Pecuniary Interest.
- **Personal Judgement:** Councillors 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.
- **Respect for Others:** Councillors should promote equality by not discriminating unlawfully 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 Council's Statutory Officers (Chief Executive, Section 151 Officer and the Monitoring Officer) and of all other officers.
- **Duty to Uphold the Law:** Councillors should uphold the law, and on all occasions, act in accordance with the trust that the public is entitled to place in them.
- **Stewardship:** Councillors should do whatever they are able to do, to ensure that the Council use their resources prudently and in accordance with the law.
- **Leadership:** Holders of public office should promote and support these principles by leadership and example and act in such a way so as to preserve and promote public trust and confidence in public affairs in general and the Council in particular.

## 7. General Principles of Councillor Conduct

In addition to the **General Principles of Public Life**, elected and co-opted Members of Halton Hologate with Halton Fenside Parish Council are expected to comply with the General Principles set out below.

a. Councillors must:

- Lead by personal example when serving the Council and the communities within the District.
- Treat other Councillors and members of the public with respect.
- 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.
- Treat others with respect and must not discriminate or treat any person unfavourably on account of race, age, gender, disability, sexual orientation or religious belief.

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.

b. Councillors must not:

- do anything which may cause the Council to breach the Equality Act 2010 or any equality law that is subsequently enacted;
- bully or be abusive to any person and should treat all people with respect;
- intimidate or attempt to intimidate any person who is or is likely to be:
  - i. a complainant.
  - ii. a witness.
  - iii. involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with his or her Authority's Code of Conduct.
  - iv. do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of the Council.
- disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
  - i. you have the consent of a person authorised to give it;
  - ii. you are required by law to do so;
  - iii. the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
  - iv. the disclosure is:
    - reasonable and in the public interest; and
    - made in good faith

- in compliance with the reasonable requirements of the authority; and/or you have consulted the Monitoring Officer prior to its release
  - prevent another person from gaining access to information to which that person is entitled by law.
- c. Councillors:
- i. must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage
  - ii. must, when using or authorising the use by others of the resources of the Council ensure that such resources are not used improperly for political purposes (including party political purposes);
  - iii. must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986. A copy of the Code of Recommended Practice on Local Authority Publicity can be found at <http://www.communities.gov.uk/publications/localgovernment/publicitycode2011>
- d. When reaching decisions on any matter you must have regard to any relevant advice provided to you by the Monitoring Officer, where that officer is acting pursuant to their statutory duties.
- e. You must give reasons for decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

## **8. Bullying, Harassment and Discrimination**

- a. Councillors must not:
- i. Bully any person.
  - ii. Harass any person.
  - iii. 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.

## **9. Impartiality**

- a. Councillors must 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.

## **10. Disrepute**

- a. Councillors must 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 your or your Local Authority's ability to discharge your/its 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 whilst continuing to adhere to other aspects of this Code of Conduct.

## **11. Use of Position**

- a. Councillors must 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.

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

- a. Councillors must not misuse council resources.
- b. Councillors must, when using the resources of the local authority or authorising their use by others:
  - i. act in accordance with the local authority's requirements.
  - ii. 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.



- c. Councillors may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a Councillor. Examples include:
  - i. office support
  - ii. stationery
  - iii. access and use of local authority buildings and rooms.

These are provided to help Councillors carry out their role 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.

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

- a. Councillors undertake Code of Conduct training provided by my Local Authority.
- b. Councillors cooperate with any Code of Conduct investigation and/or determination.
- c. Councillors do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- d. Councillors comply with any sanction imposed following a finding that they have breached the Code of Conduct.

It is extremely important that Councillors demonstrate high standards, have actions open to scrutiny and not to undermine public trust in the Local Authority or its governance. If Councillors do not understand or are concerned about the Local Authority's processes in handling a complaint you should raise this with the Monitoring Officer.

### **14. Disclosable Pecuniary Interests**

The Act further provides for registration and disclosure of what are termed as 'Disclosable Pecuniary Interests'. This will be done as follows:

- a. On taking up office an elected or co-opted Member must, within 28 days of becoming such, notify the Monitoring Officer of any 'Disclosable Pecuniary Interests' as are prescribed by the Secretary of State and set out in the table below.
- b. On re-election or re-appointment, an elected or co-opted Member must, within 28 days, notify the Monitoring Officer of any 'Disclosable Pecuniary Interests' not already included in his or her Register of Members Interests which is lodged with the Monitoring Officer.
- c. It is the personal responsibility of each Member to keep their Register of Members Interests up to date by notifying the Monitoring Officer in writing of any change within 28 days of such a change taking effect.
- d. If an elected or co-opted Member is aware that they have a 'Disclosable Pecuniary Interest' in a matter which is already registered in the Register of Members Interests, they may disclose it in the meeting and in all cases (whether registered in the register or not) they must not participate in any discussion or vote on the matter at a meeting, as to do so is a criminal offence under section

34 of the Localism Act 2011. The Council requires a Member or co-opted Member with a 'Disclosable Pecuniary Interest' to withdraw from the meeting while any discussion or vote on any matter relating to it takes place.

- e. If an elected or co-opted Member is aware of a 'Disclosable Pecuniary Interest' in a matter under consideration at a meeting but such interest is not already on the Council's Register of Interests or in the process of entry onto the register having been already notified to the Monitoring Officer, the elected or co-opted Member must disclose the 'Disclosable Pecuniary Interest' to the meeting and register it within 28 days of the meeting at which it is first disclosed.
- f. The duties to register, disclose and not to participate in respect of any matter in which a Member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

## **15. Other Interests**

- a. In accordance with the **General Principles of Public Life** enshrined within the Code of Conduct, (in particular the principles of Honesty and Openness) elected and co-opted Members are required to declare at any meeting any personal interest (other than and in addition to any Disclosable Pecuniary Interest) (whether it be an interest in any land, contract, proposed contract, business, membership of any club or body that is considered to be relevant to any matters under discussion). The Member will then wish to consider whether any person who was in full knowledge of the facts would consider that interest as likely to prejudice their judgement of the public interest, and if he/she so concludes, shall refrain from debate and voting on the matter and shall withdraw from the room (including the public gallery) whilst the matter is being debated.
- b. Whilst not obligated to do so, any member is able to request that their entry in the Register of Members of Interests be updated by the Monitoring Officer so as to include any interests that would not constitute a Disclosable Pecuniary Interest.
- c. Members are advised to seek advice and clarification from the Monitoring Officer in cases of doubt.

## **16. Sensitive Interests**

- a. If the nature of an interest is such that you and the Monitoring Officer consider that disclosure of the details of your interest could lead you or a person connected with you, being subjected to violence or intimidation, the interest must not be included in any published version of the Register of Members Interests, and must not be entered onto a copy of the register that is kept for public inspection.
- b. In such instances the published register may state that the detail of such an interest is withheld under section 32(2) of the Localism Act 2011.

- c. In the event that the Member discloses such an interest at any meeting, the Member shall be obliged only to confirm that a disclosable pecuniary interest in any matter exists, rather than giving the detail thereof.

### **17. Gifts and Hospitality**

- a. You are required to notify the Clerk in writing of any single gift, hospitality (or offer of the same) with an estimated value of £25 or more within 28 days so that the details can be recorded in the Register of Members Gifts and Hospitality. No notification is required in the event that such matters arise in relation to family members.
- b. If a matter comes before the Council in relation to the above, then the Member must declare any such gift, hospitality (or offer of the same) at the meeting that the matter arises, and consider in all the circumstances whether it is appropriate to take part in debate on the matter and vote, having regard to the principles set out in this Code of Conduct and the importance of perception in protecting the reputation of and confidence within public affairs generally and the Council in particular. Appropriate advice should be sought from the Monitoring Officer on such occasions.

### **18. Breach of the Code of Conduct**

- a. A decision of the Council will not be invalidated just because something that occurred in the process of decision making involved a failure to comply with this Code.
- b. Any complaint relating to an alleged failure to observe the Code, shall be dealt with by the Monitoring Officer in accordance with the Monitoring Officer Protocol.

### **19. Dispensations**

- a. On a request made to the Council's Proper Officer, the Proper Officer 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 the matter if it is in the interest of the residents to allow the member to take part providing that an interest is declared.

### **20. Criminal Offences**

A Member commits a criminal offence if, without reasonable excuse, the Member:

- a. Fails to comply with the duty upon them to notify the Authority's Monitoring Officer, within 28 days of becoming a Member or co-opted Member, of any Disclosable Pecuniary Interest which the person had at the time when the notification was given.
- b. Fails to disclose a Disclosable Pecuniary Interest, which has not been entered on the Authority's register, at a meeting where they are present and aware that they have a Disclosable Pecuniary Interest in any matter to be considered at the meeting.
- c. Fails to notify the Monitoring Officer of any such interest disclosed at a meeting within 28 days of making the disclosure.

- d. Participates in any discussion or vote on a matter at a meeting when they are aware that they have a Disclosable Pecuniary Interest in the matter (subject to any formal dispensation having been granted).

Fails to comply with the following obligations:

- e. In any case where a function of the Council may be discharged by a Member of the Authority acting alone and the Member is aware that they have a Disclosable Pecuniary Interest in any matter to be dealt with, or being dealt with, by the Member in the course of discharging that function, but that interest is not entered in the Authority's register and is not the subject of a pending notification, the Member:
  - i. must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by themselves)
  - ii. must notify the Monitoring Officer of any such interest within 28 days of becoming aware that they have a Disclosable Pecuniary Interest in the matter
  - iii. Knowingly or recklessly provides information which is false or misleading in relation to the notification of a Disclosable Pecuniary Interest the penalty for the commission of any such offence will be a fine of up to £5,000 and in addition the Court may disqualify the offender for a period of up to five years from being a Member or co-opted Member of the Council or any other relevant Authority.

## **21. Policy Review**

This policy will be reviewed annually by the Council to ensure that it is relevant to working practice.

# Appendix

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows:

Interest	Prescribed 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 relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant Authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to Member's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest
Securities	<ul style="list-style-type: none"> <li>that body (to Member's knowledge) has a place of business or land in the area of the relevant authority; and either</li> <li>the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</li> <li>if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</li> </ul>

## Definitions

**Disclosable Pecuniary Interest** means a pecuniary interest defined in the above table if it is an interest of yourself, your spouse/civil partner, a person you live with as husband and wife, or a person you live with as a civil partner if in all cases you are aware the other person has the interest.

For this purpose:

- “the Act” means the Localism Act 2011;
- “body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;
- “director” includes a member of the Committee of management of an industrial and provident society;
- “land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;
- “relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;
- “relevant person” means M or any other person referred to in section 30(3)(b) of the Act;
- “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

### **Other Registrable Interests**

You must register as an Other Registerable Interest:

- a. Any unpaid directorships.
- b. Any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority.
- c. Any body of which you are a member or in a position of general control or management:
  - i. Exercising functions of a public nature.
  - ii. Directed to charitable purposes.
  - iii. One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).