



# Code of Conduct

*This Code of Conduct is composed of a number of sections which together are the Code of Conduct of Melksham Town Council, all sections and sub-sections apply to the conduct of councillors in accordance with the Localism Act 2011 and will be taken into account when any complaints regarding councillors are considered by the Monitoring Officer.*

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## Code of conduct – Part 1:

### The Principles

You are a Member or co-opted Member of Melksham Town Council and hence you shall have regard to the following **Seven Principles of Public Life**.

The Seven Principles of Public Life (also known as the Nolan Principles) apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil Service, local government, the police, courts and probation services, non-departmental public bodies (NDPBs), and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also apply to all those in other sectors delivering public services.

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

**Integrity** – Holders of public office must avoid placing themselves under any obligation to people or organisations that might try, inappropriately, to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

**Objectivity** – 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.

**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 question their own behaviour and challenge poor behaviour wherever it occurs.

The Principles are interpreted in further detail at Melksham Town Council as follows:

You must promote and support high standards of conduct when serving in your public post, in particular as characterized by the following requirements of leadership and example, accordingly, when acting in your capacity as a Member or co-opted Member.

You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, impartially, fairly and on merit, using the best evidence without discrimination and bias.

You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

You must be as open as possible about your decisions and actions and the decisions and actions of Melksham Town Council, and should be prepared to give reasons for those decisions and actions.

You must be honest and truthful, ensuring that at all times you do not misrepresent the democratic decisions and actions of the council and you may not say or otherwise publish information that could denigrate councillors, officers, the council, or otherwise bring the council into disrepute. You may not edit or assist or support others to edit, any filming, recording or photography of the proceedings of the council and its committees in a way that could lead to misinterpretation of the proceedings. This includes editing an image or views expressed in a way that may ridicule or show a lack of respect towards those being photographed, recorded or filmed or supporting and assisting any others to do so. If a councillor publishes anything on social media which is inaccurate and untruthful or otherwise seeks to portray the actions of the council in a way which fails to provide correct and accurate information, it is not acceptable under this Code of Conduct for them or anyone else to base any defence upon such material being the 'cut and thrust of political debate' or similar.

You must when authorising the use by others of the resources of Melksham Town Council, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

You must be professional in all your dealings and treat all those with whom you come into contact with, consideration and respect. Working relationships, including with officers and other councillors should be proper and appropriate. Harassing, bullying or other inappropriate discriminatory behaviour, wherever it takes place is not consistent with the Code and will not be tolerated.

You shall never undertake any action which could cause significant damage to the reputation and integrity of Melksham Town Council as a whole, or of its members generally.

## Code of Conduct – part 2:

### Registering & Declaring Pecuniary & Non-Pecuniary Interests

#### A. Statutory Interests

When acting in your capacity as a member or co-opted member:

You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties, and must take steps to resolve any conflicts arising in a way that protects the public interest, including, registering and declaring interests in a manner conforming with the procedures set out below.

You must within 28 days of taking office as a member or co-opted member, notify Wiltshire Council's monitoring officer\* of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a member or co-opted member, notify Wiltshire Council's monitoring officer\* of any disclosable pecuniary interest or non-pecuniary interests which Melksham Town Council has decided should be included in the register.

If an interest has not been entered onto the register you must disclose the interest to any meeting of Melksham Town Council at which you are present, where you have a disclosable pecuniary interest in any matter being considered and where the matter is not a sensitive interest.

Following any disclosure of an interest which is not on the register or the subject of pending notification, you must notify Wiltshire Council's monitoring officer\* of the interest within 28 days beginning with the date of disclosure.

Unless a dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to the matter in which you have a disclosable pecuniary interest as defined by regulations made by the Secretary of State.

You must not participate in a discussion or vote in a matter to be considered at a meeting if you have any interest, whether registered or not, if a member of the public with knowledge of the relevant facts would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision making in relation to that matter.

You should demonstrate leadership including actively promoting and robustly supporting the Seven Principles of Public Life and be willing to examine and question your own behaviour and challenge poor behaviour wherever it occurs.

If you have any doubts about whether you are required to declare an interest, you are advised to declare it to avoid further questions arising about the possibility of an interest.

*\*this information will be published on Wiltshire Council's website and can be undertaken by the Town Clerk on your behalf if you pass the information to the Town Clerk.*

<https://cms.wiltshire.gov.uk/mqGeneric.aspx?MD=CouncillorsDeclarationsofInterest&bcr=1>

## **B. Additional Interests**

Additionally, you must observe the restrictions Melksham Town Council places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by Melksham Town Council. (See Standing Order 15)

Additional 'part B' non-pecuniary interests which are required to be disclosed to a meeting but do not exclude Members from participating, unless the Member feels that it would be appropriate for them to voluntarily leave the room during the item under consideration, include the following:

- a) any body of which the councillor is a member or in a position of general control or management and to which the councillor is appointed or nominated by the Council;
- b) any body exercising functions of a public nature of which the councillor is a member or in a position of general control or management;
- c) any body directed to charitable purposes of which the councillor is a member or in a position of general control or management;
- d) any body, one whose principal purposes include the influence of public opinion or policy (including any political party or trade union) of which the councillor is a member of or in a position of general control or management.

## Code of Conduct – Part 3

### MEMBER/OFFICER PROTOCOL

#### 1. Introduction and Principles

- 1.1 The purpose of this Protocol is to guide Members and Officers of the Council in their relations with one another in such a way as to ensure the smooth running of the Council and to satisfy the ethical standards required.
- 1.2 Given the variety and complexity of such relations this Protocol does not seek to be either prescriptive or comprehensive. It simply offers guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other circumstances.
- 1.3 This Protocol is to a large extent a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the Protocol is followed, it should ensure that Members receive objective and impartial advice, and that Officers are protected from accusations of bias and any undue influence from Members.
- 1.4 This Protocol is consistent with the Members' Code of Conduct, and any guidance issued by the Standards Committee and/or Monitoring Officer of Wiltshire Council.

#### 2. Limitations of Members' Authority

- 2.1 The authority of Members is collective, and, as individuals, they have no authority to issue specific directions to any employee or make criticism directly. Members must not formally inspect any Town Council property without authority or issue orders or correspondence.
- 2.2 The long-standing requirements on Members, as employers, were re-affirmed in law by an Employment Appeals Tribunal, *Moore v Bude & Stratton Town Council*. This confirmed that the Town Council collectively was the employer, that the unofficial actions of an individual Member could destroy the entire basis of the employer/employee relationship and that employees were entitled to a "reasonably congenial working relationship".

#### 3. The Relationship: General Points

- 3.1 Whilst both Members and Officers are servants of the public and they are indispensable to one another the responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Members are responsible for setting policy.

Officers are responsible to the Council. Their job is to give advice to Members and the Council, and to carry out the Council's work under the direction and control of the Council and its various bodies.

- 3.2 At the heart of the Codes and this Protocol, is the importance of mutual respect. Member/Officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between Members and Officers should observe standards of courtesy and neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.
- 3.3 Members must respect the impartiality and integrity of all the Council's Officers. Similarly, all Officers must respect the role of Members as elected representatives.
- 3.4 Inappropriate relationships can be inferred from language/style. To protect both Members and Officers, Officers should address Members at all formal meetings, as Councillor xxx and Mr or Madam Chair or Town Mayor. Save where circumstances clearly indicate that a level of informality is appropriate. Similarly, when addressing Officers at formal meetings of the Council, Members should address Officers by their post title.
- 3.5 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 criticisms in public. If a Member feels he/she has not been treated with proper respect, courtesy or has any concern about the conduct or capability of an Officer he/she should raise the matter with the Town Clerk. Any action taken against an Officer in respect of a complaint, will be dealt with in accordance with the provisions of the Employee Handbook.
- 3.6 An Officer should not raise matters with a Member relating to the conduct or capability of another Officer or to the internal management of a department in a manner that is incompatible with the overall objectives of this Protocol.
- 3.7 Where an Officer feels that he/she has not been properly treated with respect and courtesy by a Member, he/she should raise the matter with the Town Clerk. In these circumstances the Town Clerk will take appropriate action by referring the matter to the HR Sub Committee.
- 3.8 Officers work to the instructions of their senior Officers, not individual Members. It follows that, whilst such Officers will always seek to assist a Member, they may not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of the enquiry is purely to seek factual information, Members should normally direct their requests and concerns to the Town Clerk, at least in the first instance.
- 3.9 Officers will do their best to give timely responses to Members' enquiries. However, Officers should not have unreasonable requests placed on them. Their work priorities are set and

managed by the Town Clerk. Members should avoid disrupting officers' work by imposing their own priorities.

3.10 Members will endeavour to give timely responses to enquiries from Officers.

3.11 Officers shall not discuss with a Member personal matters concerning themselves or another individual employee. This does not prevent Officers raising on a personal basis, and in their own time, a matter with their Ward Member.

3.12 Members and Officers should respect other's free time (i.e., non-Council) time.

#### **4 ROLES OF MEMBERS AND OFFICERS**

4.1 Members have four main roles:

- Determining the policy of the Council
- Monitoring and reviewing the performance of the Council in implementing that policy and delivering services
- Representing the Council externally
- Acting as advocates on behalf of their constituents and the wider community

4.2 Officers have the following main roles:

- Initiating policy proposals
- Implementing agreed policy, managing and providing services and being accountable for the efficiency and effectiveness of the services provided
- Providing professional advice to the Council, its various bodies and individual Members
- Ensuring the Council always acts in a lawful manner

#### **5 THE COUNCIL DECISION MAKING PROCESS**

5.1 Day to day decision making remains the responsibility of the Town Clerk as delegated by the Town Council.

5.2 Members must always remember that decisions and policies, once determined by the Town Council are binding.



**6      PREPARATION OF COUNCIL AGENDAS, MINUTES AND REPORTS AND CONDUCT OF MEETINGS**

- 6.1      The Town Clerk, or other appointed Officer, although responsible under statute for preparing agendas for all meetings of the Town Council, Committees, sub-Committees and Working Parties and for circulation of them to meet statutory requirements, will normally do so in consideration with the appropriate Chair.

Additional matters for discussion may only be considered at the discretion of the Chair, in agreement with the Town Clerk.

- 6.2      The Town Clerk, or other appointed Officer, is responsible for the content of all minutes and for circulation of them to meet statutory requirements.
- 6.3      An Officer will be present at all meetings involving Members of the Town Council and will advise on any questions relating to Standing Orders, Financial Regulations, legal requirements or committee procedures and will produce formal minutes of the meeting.
- 6.4      When a named Officer has produced a written report for the consideration of Members, he/she is known as the 'lead officer' for the particular topic and is always given the opportunity to introduce the report and answer any questions about it, preferably having received notice verbally or in writing.
- 6.5      The lead officer may not necessarily be the same Officer who attends to give advice on legal requirements or procedures and produce the minutes as referred to in 7.3 above.
- 6.6      All committee reports will contain a recommendation where appropriate, which formally sets out the best advice from the Officer concerned, although the decision to accept this or not rests with the Members. Members should raise issues with that Officer prior to the meeting if possible.
- 6.7      Any Member is entitled to submit a Notice of Motion relevant to some question over which the Town Council has power or which affects its area, for inclusion on the Town Council Agenda. It must be received by letter or email by 14 days before the Council meeting.
- Any such motion, on being adopted, would stand referred to the relevant committee if it is related directly to the Town Council's services.
- 6.8      Unless authorised otherwise by the Chair of the meeting concerned, during committee meetings, all mobile telephones will be switched to silent, no eating is permitted.
- 6.9      All Members shall seek the advice of the Town Clerk where they consider there is doubt about the vires for a decision or where they consider a decision might be contrary to pre-determined policies of the Council.
- 6.10     Members and Officer should be mutually supportive in order to minimize any potential embarrassment to the Council. Criticism of Officers should be dealt with in private and, by the same token, Officers will never be publicly critical of the Council or its policies.

**7      THE RELATIONSHIP: OFFICER SUPPORT: MEMBER AND PARTY GROUPS**

- 7.1      It must be recognised by all Officers and Members that in discharging their duties and responsibilities they serve the Council as a whole.
- 7.2      The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport etc.) to Members is to assist them in discharging their role as a Member of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity.
- 7.3      Members should not put pressure on staff to provide resources or support which Officers are not permitted to give.

**8      MEMBERS' ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS**

- 8.1      Members have the right to ask for information pursuant to their legal rights to information. This right extends to such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of a services activities to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:
- It is in the public domain, and
  - It is not barred by the Data Protection Act from being given
- 8.2      Every member of a committee or working group has a right to inspect documents about the business of that committee or working group.
- 8.3      Information given to a Member must only be used 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. For example, early drafts of committee reports/briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied.
- 8.4      Members and Officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.
- 8.5      Members and Officers must not prevent another person from gaining access to information to which that person is entitled by law.

**9      CORRESPONDENCE**

- 9.1      Correspondence between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member. Where exceptionally it is necessary to copy the

correspondence to another Member, this should be made clear to the original Member. In other words, a system, of 'silent copies' should not be employed.

- 9.2 Official letters on behalf of the Council should normally be sent in the name of the appropriate officer, rather than in the name of the Member. Letters which, for example create legal obligations or give instructions on behalf of the Council should never be sent out in the name of a Member. The Town Mayor may initiate correspondence in his/her own name relating to his/her role as Town Mayor.

## **10 PUBLICITY AND PRESS RELEASES**

- 10.1 The Council is accountable to the electorate. Accountability requires local understanding. This will be promoted by the Town Council by explaining its objectives and policies to the electors and taxpayers. Every Council needs to tell the public about the services it provides. Good effective publicity aimed at improving public awareness of a Council's activities is, in the words of the Government, to be welcomed.
- 10.2 All formal relations with the media must be conducted in accordance with any Council agreed procedures.
- 10.3 Press releases or statements made by Officers must promote or give information on Council policy or services. They will be factual and consistent with Council policy.
- 10.4 Officers will keep relevant Members informed of media interest in the Council's activities, especially regarding strategic or contentious matters.
- 10.5 Before responding to enquiries from the media, Officers will ensure they are authorised to do so.
- 10.6 If Members are contacted by, or contact the media on an issue, they should:
- indicate in what capacity they are speaking (e.g. as ward member, in a personal capacity, on behalf of the Council, or on behalf of a party group);
  - be sure of what they want to say or not to say;
  - if necessary, and always when they would like a press release to be issued, seek assistance from the Town Clerk, except in relation to a statement which is party political in nature;
  - consider whether to consult other relevant Members; and
  - take particular care in what they say in the run-up to local or national elections to avoid giving the impression of electioneering unless they have been contacted as an election candidate or political party activist.
- 10.7 Officers and Members using website or social media must do so in compliance with policies or guidance issued by the Council.

**11     MEMBERS IN THEIR WARD ROLE AND OFFICERS**

- 11.1     Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the Ward or Wards affected will as a matter of course be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members will be notified at the outset of the exercise.
- 11.2     Should Members or residents convene a local meeting, Officer attendance will be at the discretion of the Town Clerk and will take account of the purpose of the meeting.
- 11.3     In all circumstances, the role of Officers at such meetings is to provide information on the topic under consideration and any decision-making process which might be relevant, but not to offer or share judgements. Officers will seek to assist in the effective engagement of the community but will be mindful always of the integrity of the formal decision-making process.
- 11.4     Local consultation meetings may, on occasion, give rise to heated debate. Members attending should be mindful of the restrictions on the responses available to Officers and both Officers and Members should always act in accordance with their respective Codes of Conduct.

**12     CONCLUSION**

- 12.1     Mutual understanding and openness on these sensitive issues and basic respect are the greatest safeguard of the integrity of the Council, its Members and Officers.
- 12.2     Questions of interpretation of this Protocol will be determined by the Town Clerk.
- 12.3     Copies of the Protocol will be issued to all Members, upon election, and all Officers of the Council.