

# **BOGNOR REGIS TOWN COUNCIL**

## **CODE OF CONDUCT FOR COUNCILLORS**

**Adopted by Council on 9<sup>th</sup> March 2015 - Updated 2<sup>nd</sup> July 2018**

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## **1 INTRODUCTION AND INTERPRETATION**

- 1.1 The Council has adopted this Code of Conduct to set out the standards required by Councillors and Co-opted Members of Bognor Regis Town Council.
- 1.2 The Code is consistent with the General Principles set out in Appendix 1 and the provisions of S29(1) Localism Act 2011.
- 1.3 In this Code:
- “Co-opted Member” means a person who is not a member of Bognor Regis Town Council but who is a member of any committee or sub-committee of the Council whether or not entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.
- 1.3.1 “Councillor” includes Members and Co-opted Members of Bognor Regis Town Council.
- N.B. Councillors who have been co-opted to the Council as opposed to being elected at ordinary or by-elections are “Members of Council “and not “Co-opted Members” within the definition above.
- 1.3.2 “interest” means a Disclosable Pecuniary Interest (see paragraph 4) or an Ordinary Interest (see paragraph 6).
- 1.3.3 “meeting” means any meeting of:
- 1.3.3.1 the Council;
  - 1.3.3.2 any of the Council's committees or sub-committees;
  - 1.3.3.3 any briefings by officers and site visits organised by the Council;
- whether or not the press and public are excluded from the meeting.
- 1.3.4 “Relevant Person” means the Councillor or:
- 1.3.4.1 that Councillor’s spouse or civil partner;
  - 1.3.4.2 a person with whom that Councillor is living as husband and wife; or
  - 1.3.4.3 a person with whom that Councillor is living as if they were civil partners.
- 1.3.5 an interest is “subject to a pending notification” if the interest has been notified to the District Council’s Monitoring Officer under paragraph 5 but has not been entered in the Council's register in consequence of that notification.

## **2 SCOPE**

- 2.1 Councillors must comply with this Code whenever they:
- 2.1.1 conduct the business of the Council (which, in this Code, includes the business of the office to which they are elected or appointed); or
  - 2.1.2 act as a representative of the Council,
- and references to their official capacity are construed accordingly.
- 2.2 This Code only has effect in relation to the conduct of a Councillor when they are acting in their official capacity.
- 2.3 Where a Councillor acts as a representative of the Council:

- 2.3.1 on another relevant authority which has a Code of Conduct, they must, when acting for that other authority, comply with that other authority's Code of Conduct; or
- 2.3.2 on any other body, they must, when acting for that other body, comply with the Council's Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
- 2.3.3 Councillors must comply with the Council's Social Media Policy for Councillors (attached as Appendix 3).

## **3 GENERAL OBLIGATIONS**

### **RESPECT ETC.**

- 3.1 Councillors must treat others with respect.
- 3.2 Councillors must comply with their statutory obligations.
- 3.3 Councillors must not do anything which may cause the Council to breach any of the equality enactments.
- 3.4 Councillors must not bully any person.
- 3.5 Councillors must not intimidate nor attempt to intimidate any person who is or is likely to be:
  - 3.5.1 a complainant;
  - 3.5.2 a witness; or
  - 3.5.3 involved in the administration of any investigation or proceedings,in relation to an allegation that a Councillor (including that Councillor) has failed to comply with their authority's Code of Conduct.
- 3.6 Councillors must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

### **CONFIDENTIAL INFORMATION ETC.**

- 3.7 Councillors must not disclose information given to them in confidence by anyone, or information acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, except where:
  - 3.7.1 they have the consent of a person authorised to give it;
  - 3.7.2 they are required by law to do so;
  - 3.7.3 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
  - 3.7.4 the disclosure is:
    - 3.7.4.1 reasonable and in the public interest; and
    - 3.7.4.2 made in good faith and in compliance with the reasonable requirements of the Council.
- 3.8 Councillors must not prevent another person from gaining access to information to which that person is entitled by law.

## **DISREPUTE**

- 3.9 Councillors must not conduct themselves in a manner which could reasonably be regarded as bringing their office or the Council into disrepute.

## **IMPROPER ADVANTAGE ETC.**

- 3.10 Councillors must not use or attempt to use their position as a councillor improperly to confer on or secure for themselves or any other person, an advantage or disadvantage.
- 3.11 Councillors must, when using or authorising the use by others of the resources of the Council:
- 3.11.1 act in accordance with the Council's reasonable requirements;
- 3.11.2 ensure that such resources are not used improperly for political purposes (including party political purposes).
- 3.12 Councillors must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

## **DECISION MAKING**

- 3.13 When reaching decisions on any matter, Councillors must have regard to any relevant advice provided to them by:
- 3.13.1 the Council's Proper Officer, or (where different) Responsible Financial Officer; and
- 3.13.2 the District Council's Monitoring Officer,
- where that officer is acting pursuant to their statutory duties.
- 3.14 Councillors must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

## **INVESTIGATIONS**

- 3.15 Councillors must co-operate with any investigations or other procedures in relation to an alleged breach of this Code of Conduct.

## **4 DISCLOSABLE PECUNIARY INTERESTS**

- 4.1 A Councillor has a "Disclosable Pecuniary Interest" in any business of the Council if the interest is of a description set out in paragraph 4.2 below and is an interest of a Relevant Person and, if the Relevant Person is not the Councillor, the Councillor is aware that that other person has the interest.
- 4.2 "Disclosable Pecuniary Interests" are as defined from time to time by the Secretary of State in Regulations. The Regulations current at the time of adoption of this Code are The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and are set out in Appendix 2.

## **5 REGISTRATION OF DISCLOSABLE PECUNIARY INTERESTS**

- 5.1 Subject to paragraph 7, Councillors must, within 28 days of this Code being adopted by the Council or their election or appointment to office (whichever is the later), register in the District Council's Register of Councillors' Interests (maintained under section 29(1) of the Localism Act 2011) details of their Disclosable Pecuniary Interests (as referred to in paragraph 4 above) by completing the appropriate form and delivering this to the Council's Town Clerk who will forward it to the Monitoring Officer.

- 5.2 Subject to paragraph 7, Councillors must, within 28 days of becoming aware of any Disclosable Pecuniary Interests (as referred to in paragraph 4 above) which they have not registered, or any change to such an interest which they have registered under paragraph 5.1, register details of that unregistered interest or change by completing the appropriate form and delivering this to the Council's Town Clerk who will forward it to the District Council's Monitoring Officer.

## **6 ORDINARY INTERESTS**

- 6.1 A Councillor has an "Ordinary Interest" in any business of the Council where it is not a Disclosable Pecuniary Interest but either:

- 6.1.1 a decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:

- 6.1.1.1 the Councillor;
- 6.1.1.2 a member of the Councillor's family; or
- 6.1.1.3

to a greater extent than it would affect the majority of other council tax payers, ratepayers or inhabitants of the electoral ward for which the Councillor has been elected; or

- 6.1.2 it relates to or is likely to affect any of the interests listed in the table of Disclosable Pecuniary Interests set out in Appendix 2 but in respect of a member of the Councillor's family (other than a Relevant Person) or of any person with whom they have a close association.

- 6.1.3 it relates to or is likely to affect:

- 6.1.3.1 any organisation 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 authority; or
- 6.1.3.2 any organisation exercising functions of a public nature or directed to charitable purposes or one of their principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which the councillor is a member or in a position of control or management; or
- 6.1.3.3 the interests of any person from whom the councillor has received a gift or hospitality with an estimated value of at least £25; or

- 6.2 Subject to paragraph 7, Councillors should, under the provisions of this Code, within 28 days of becoming aware of any specified Ordinary Interests (i.e. those relating to the membership of specified organisations) which are required to be registered under this Code and which they have not registered, or any change to such an Ordinary Interest which they have previously registered, register details of that unregistered interest or change by completing the appropriate form and delivering this to the Council's Town Clerk who will forward it to the District Council's Monitoring Officer.

## **7 SENSITIVE INFORMATION**

- 7.1 Paragraphs 7.2 and 7.3 apply where:

- 7.1.1 a Councillor has an interest (whether or not a Disclosable Pecuniary Interest), and

- 7.1.2 the nature of the interest is such that the Councillor, and the District Council's Monitoring Officer, decide in writing that disclosure of the details of the interest could lead to the Councillor, or a person connected with the Councillor, being subject to violence or intimidation.
- 7.2 If the interest is entered in the Council's register, copies of the register that are made available for inspection, and any published version of the register, will not include details of the interest (but may state that the Councillor has an interest the details of which are withheld under subsection 32(2) Localism Act 2011).
- 7.3 If paragraph 8.2 applies in relation to the interest, that paragraph is to be read as requiring the Councillor to disclose not the interest but merely the fact that the Councillor has an interest in the matter concerned.
- 7.4 If a Councillor becomes aware of any change of circumstances which means that information excluded from the register under paragraph 7.2 is no longer sensitive information, they must notify the District Council's Monitoring Officer so that the register can be amended.

## **8 DISCLOSURE OF INTERESTS AT MEETINGS**

- 8.1 Paragraphs 8.2 and 8.3 apply if a Councillor:
- 8.1.1 is present at a meeting;
  - 8.1.2 has a Disclosable Pecuniary Interest or an Ordinary Interest in any matter to be considered, or being considered, at the meeting; and
  - 8.1.3 is aware or ought reasonably to be aware that the condition in paragraph 8.1.2 is met.
- 8.2 Subject to paragraph 7.3, the Councillor must disclose the existence and the nature of the interest to the meeting as soon as they become aware of that interest.
- 8.3 If the interest, whether a Disclosable Pecuniary Interest or a specified Ordinary Interest, is not entered in the Council's register and is not the subject of a pending notification, the Councillor must notify the Council's Monitoring Officer of the interest as soon as possible and in any event before the end of 28 days beginning with the date of the disclosure.

## **9 PARTICIPATION AT MEETINGS**

- 9.1 Paragraph 9.2 applies if a Councillor:
- 9.1.1 is present at a meeting; and
  - 9.1.2 has a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at the meeting; or
- 9.2 Subject to paragraph 10, the Councillor:
- 9.2.1 may not participate, or participate further, in any discussion of the matter at the meeting,
  - 9.2.2 may not participate in any vote, or further vote, taken on the matter at the meeting; and
  - 9.2.3 must withdraw from the room where the meeting considering the business is being held.
- 9.3 Where the Councillor has declared an Ordinary Interest, they are not debarred from participating in the discussion and vote, however if the Councillor feels more comfortable they may choose to withdraw from the room and not participate in the discussion or vote.

- 10.1 The Council may, on a written request made to the Council's Proper Officer by a Councillor, grant a dispensation relieving the Councillor from all or any of the restrictions in paragraph 9.2 in cases described in the dispensation.
- 10.2 The Council may grant a dispensation under paragraph 10.1 only if, after having had regard to all relevant circumstances, the Council considers that:
- 10.2.1 without the dispensation the number of persons prohibited by Section 31(4) Localism Act 2011 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,
  - 10.2.2 without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,
  - 10.2.3 granting the dispensation is in the interests of persons living in the authority's area,
  - 10.2.4 it is otherwise appropriate to grant a dispensation.
- 10.3 A dispensation under paragraph 10.1 must specify the period for which it has effect, and the period specified may not exceed four years. Paragraph 9.2 does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under paragraph 10.1.



*Selflessness*

1. Councillors should act solely in terms of the public interest.

*Integrity*

2. Councillors 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*

3. Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

*Accountability*

4. Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

*Openness*

5. Councillors 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*

6. Councillors should be truthful.

*Leadership*

7. Councillors 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.

In this Appendix:

“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;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“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 section 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.

<i>Subject</i>	<i>Prescribed description</i>
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 M in carrying out duties as a member, or towards the election expenses of M. 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 M’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

Any beneficial interest in securities of a body where—

(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; 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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

This guidance is not part of the adopted Code of Conduct but is designed to explain how certain matters should be dealt with to ensure compliance.

#### Predetermination or Bias

There will be situations where matters are discussed which do not affect the Disclosable Pecuniary Interests of the member and his/her partner but during which participation of that member is still inappropriate.

It is not a problem for councillors to be predisposed to a particular view. That predisposition can be strong and can be publicly voiced. They may even have been elected specifically because of their views on this particular issue. It might be in favour of or against a particular point of view, for example an application for planning permission.

However, the councillor must be open to the possibility that, they will hear arguments during the debate about the issue that will change their mind about how they intend to vote. They must also take into consideration written reports and advice from officers. As long as they are willing to keep an open mind about the issue they are entitled to take part in any vote on it.

The appearance of predetermination or bias on behalf of any member who takes part in the discussion or voting on a matter may result in the validity of any decision taken on the matter being challenged through the courts. Members should take care to not participate (and should usually leave the meeting room) when discussions on matters which they may have predetermined or in respect of which they may be perceived to be biased take place.

An example of such bias occurring would be where an application for planning permission made by a relative of the member was being discussed.

#### Offences

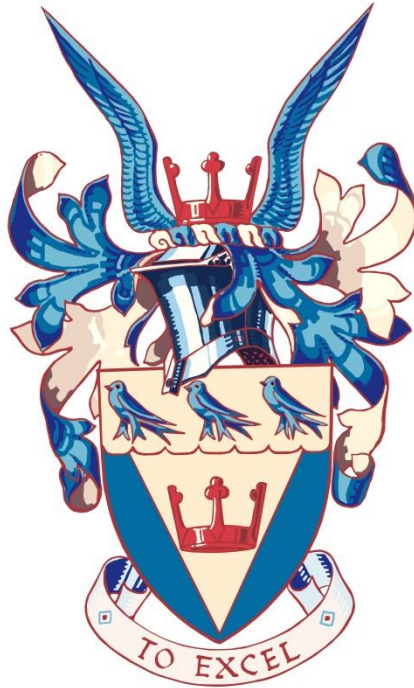
It is a criminal offence to:

- Fail to notify the Monitoring Officer of any Disclosable Pecuniary Interest within 28 days of election
- Fail to disclose a Disclosable Pecuniary Interest at a meeting if it is not on the register
- Fail to notify the Monitoring Officer within 28 days of a Disclosable Pecuniary Interest that is not on the register that you have disclosed to a meeting
- Participate in any discussion or vote on a matter in which you have a Disclosable Pecuniary Interest
- Knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a Disclosable Pecuniary Interest or in disclosing such interest to a meeting

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale (currently £5000) and disqualification from being a councillor for up to 5 years.

Any allegations of a failure to comply with the Code of Conduct other than in respect of a Disclosable Pecuniary Interest will be dealt with locally and the following sanctions might be appropriate:

- Recommending to the Town Council, that he/she be removed from any or all Committees or Sub-Committees of the Council;
- Recommending the Town Council to arrange training for the member;
- Recommending to the Town Council, that the member be removed from all outside appointments to which he/she has been appointed or nominated by the authority;
- Recommending to the Town Council, that the member be excluded from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings;



# **BOGNOR REGIS TOWN COUNCIL SOCIAL MEDIA POLICY FOR COUNCILLORS**

**Adopted by Council on 9<sup>th</sup> March 2015 to take effect from 8th May 2015**

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## **1 INTRODUCTION**

- 1.1 Social media is the term for online tools, websites and interactive media that enable users to interact with each other by sharing information, opinions, knowledge and interests.
- 1.2 For the purposes of this policy, the term “social media” covers sites and applications including but not restricted to Facebook, Twitter, Flickr, LinkedIn, blogs, and any similar sites which develop after the creation of this policy. It also includes comments on online newspaper articles.
- 1.3 An overview of the main types of social media can be found at the end of this policy.

## **2 BENEFITS AND RISKS**

- 2.1 The following potential benefits have been identified with the use of social media:
  - 2.1.1 Ability to connect with harder-to-reach groups;
  - 2.1.2 Real-time updates on emerging situations (i.e. as they happen);
  - 2.1.3 Heightened level of interactivity;
  - 2.1.4 Low cost in comparison with traditional forms of media;
  - 2.1.5 Enhanced transparency;
  - 2.1.6 Building a sense of belonging in a neighbourhood;
  - 2.1.7 Increased resident satisfaction levels;
  - 2.1.8 Help to reduce social problems like vandalism or racism.
- 2.2 The following risks have been identified with the use of social media:
  - 2.2.1 Virus or other malware (malicious software) infection from infected sites;
  - 2.2.2 Disclosure of confidential information;
  - 2.2.3 Damage to the reputation of the Council;
  - 2.2.4 Social engineering attacks or “phishing”. This is the act of manipulating people into disclosing confidential material or carrying out certain actions. Social engineering is often conducted by individuals fraudulently claiming to be a business or client;
  - 2.2.5 Bullying or witch-hunting;
  - 2.2.6 Civil or criminal action relating to breaches of legislation;
  - 2.2.7 Breach of safeguarding through the use of images or personal details leading to the exploitation of vulnerable individuals.

## **3 WHO THIS POLICY COVERS**

- 3.1 This policy covers all Councillors. It should be considered in conjunction with the Council’s Code of Conduct for Councillors.
- 3.2 It relates to all use of social media, whether inside or outside of official capacities.

## **4 WHO CAN USE SOCIAL MEDIA**

- 4.1 The Town Clerk will have control of any social media sites set up for the Council as a corporate body. It is recommended that in the case of Facebook and similar sites, Councillors wishing to keep their personal life and official capacities separate should create separate accounts.

## **5 USERS' RESPONSIBILITIES**

- 5.1 Councillors using social media should make use of stringent privacy settings if they do not wish them to be accessed by the press and public.
- 5.2 In any biography where the Councillor is identified as a Councillor, the account should state that the views are those of the Councillor in question and may not represent the views of the Council. Use of the Council's logo on a personal account or website should only occur with the written permission of the Town Clerk.
- 5.3 The logo should not be used on sites or applications which are unrelated to or not representative of the Council's official position. If in doubt, contact the Town Clerk.
- 5.4 Where possible, a Councillor should make clear who they are in the profile of any account and whether they are an authorised representative of the Council, unless there are exceptional circumstances, such as a potential threat to personal security. In such instances, the Council's Town Clerk must be consulted.
- 5.5 Councillors are personally responsible for the content which they publish on any form of social media. Publishing – or allowing to be published (in the form of a comment) – an untrue statement about a person which is damaging to their reputation may amount to libel.
- 5.6 Councillors must treat others with respect, avoid personal attacks and not make disrespectful, rude or offensive comments.
- 5.7 Councillors must comply with equality laws contained within the Equality Act 2010, associated legislation and the Council's Equality Policy. They must not publish anything that might be considered sexist, racist, ageist, homophobic or anti-faith.

## **6 ANONYMOUS POSTINGS**

- 6.1 When commenting online on any matter relating to the Council, Councillors should identify themselves as a Councillor (for instance in their profile) and make it clear whether or not they are representing the views of the Council. They must not make anonymous posts nor use a pseudonym when making such comments so as to hide their identity.
- 6.2 Councillors who fail to identify themselves as a Councillor in breach of this obligation will be deemed to be acting in their official capacity for the purposes of the Code of Conduct and such failure will itself be a breach of the Code of Conduct for Councillors.

## **7 SAFETY**

- 7.1 Councillors must be aware of their own safety when placing information on the Internet and should not publish information which could give details which could leave them vulnerable.
- 7.2 Any Councillor receiving threats, abuse or harassment via their use of social media should report it to their political group leader, Town Clerk and/or the police.



- 7.3 They should use a secure password (generally more than eight characters long and using a mixture of letters and numbers) and never share their password with anyone.

## **8 INFORMATION PROTECTION**

- 8.1 Councillors must not disclose information, make commitments or engage in activity on behalf of the Council unless they are authorised to do so.
- 8.2 They should not cite or reference customers, partners or suppliers without their prior written consent.
- 8.3 They must handle any personal or sensitive information in line with the Council's data protection policies.
- 8.4 Social media sites are in the public domain and it is important that Councillors ensure that they are confident of the nature of the information they publish. Comments posted online are permanently available and can be used by media such as newspapers.
- 8.5 Councillors must not publish or report on meetings which are private or internal or publish exempt committee reports or private papers.
- 8.6 Copyright laws still apply online. Councillors must not use images to which they do not hold the copyright. Information shared should be attributed to the source (i.e. via web link). Councillors must respect fair-use and financial disclosure laws.

## **9 ELECTIONS**

- 9.1 The Electoral Commission requires that candidates provide a return of expenditure on any form of advertising or campaign literature - and this includes web advertising. There are additional requirements, such as imprint standards, for materials which can be downloaded from a website. Full guidance for candidates can be found at [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk). Accounts may need to be closed for a defined period before local and national elections in order to comply with legislation which affects local authorities.
- 9.2 Political blogs cannot be linked from the Council's website and the Council will not promote Councillors' Twitter accounts during the election purdah period.

## **10 BEST PRACTICE**

- 10.1 Councillors must not use insulting or offensive language or engage in any conduct that would not be acceptable in a workplace. They must show consideration for others' privacy and for topics that may be considered controversial, such as politics or religion.
- 10.2 Social media must not be used to publish content which may result in action for defamation, discrimination, breaches of copyright, data protection or other claims for damages. This includes but is not limited to, material of an illegal, sexual or offensive nature that may bring the Council into disrepute.
- 10.3 Corporate social media must not be used for party political purposes nor specific campaigning purposes as the Council is not permitted to publish material which "in whole or part appears to affect public support for a political party" (Local Government Act 1986). The Council's corporate social media accounts must not be used for such purposes by a Councillor.

- 10.4 Councillors must not use the Council's social media accounts to promote personal financial interests, commercial ventures or personal campaigns, whether or not related to the function of the Council.
- 10.5 Social media must not be used in an abusive or hateful manner.
- 10.6 Social media must not be used for actions that would put Councillors in breach of the Code of Conduct for Councillors.
- 10.7 Use of social media must not breach the Council's misconduct, equal opportunities or bullying and harassment policies.

## **11 BREACHES OF THIS POLICY**

- 11.1 Failure to comply with this policy may result in a formal complaint being made to the Monitoring Officer to be dealt with under the Council's Standards Procedures.
- 11.2 Other violations of this policy, such as breaching the Data Protection Act 1988, could lead to criminal or civil action being taken against the individual(s) involved.

The Council reserves the right to request the closure of any applications or removal of any content published by Councillors deemed inappropriate or which may adversely affect the reputation of the Council, or put it at risk of legal action.

**EXAMPLES OF SOCIAL MEDIA**

The types and numbers of social media tools are constantly growing and this policy is intended to cover all emerging brands of social media account as well as those listed below.

**Facebook:** A website and accompanying mobile application on which users create a profile or timeline for themselves where they send and receive requests from “friends” which link their accounts, enabling them to share photos, information and common interests. Accounts can be set to “private” which prevents anyone but a user’s approved friends seeing the content.

**Blogs:** Short for “weblog”, this is an online diary and can take the form of a personal website created from scratch and designed by the user, or a template hosted on a site such as Blogger, WordPress or Blogs Today. It is effectively an online diary which can be themed or personal, surrounding an individual’s interests or opinions.

**Twitter:** A microblogging site where users communicate in 140-character statements, including images and links to websites if required. Unlike Facebook (which is essentially private unless you grant access to a ‘friend’), Twitter accounts are generally public unless restrictions are placed by the user to make them private. Users attract followers, who do not require permission to read a user’s ‘tweets’ (the name of the messages) unless they are blocked. It can be compared with sending a text message to a virtual message board.

Messages can be further shared by ‘re-tweeting’ and public messages exchanged using the “@” symbol and a user’s Twitter name or ‘handle’.

**YouTube:** A video-sharing website, where users can view and upload their own videos.

## 1 BACKGROUND AND INTERPRETATION

- 1.1 This Planning Code of Good Practice takes into account the Local Government Association's Guidance Note: Probity in Planning (2013 version but adapted for use and adoption by the Town Council to supplement its Code of Conduct for Councillors,
- 1.2 In this Code of Good Practice, "Interest", "Disclosable Pecuniary Interest" and "Ordinary Interest" have the meanings given in the Code of Conduct for Councillors and "Private Interest" means either:
- 1.2.1 a Disclosable Pecuniary Interest; or
  - 1.2.2 an Ordinary Interest where that interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgment of the public interest.
- 1.3 The Town Council is not a planning authority, but as an important consultee it is still part of the planning process. It is no longer a statutory consultee but has the right to be notified by planning authorities if it has requested them to do so. It is important therefore, that their consideration of planning applications in public, are open and fair.
- 1.4 The planning authority will usually be Arun District Council but may be West Sussex County Council for certain matters including mineral extraction, waste disposal and educational establishments.

## 2 INTRODUCTION

### THE AIM OF THIS CODE OF GOOD PRACTICE

- 2.1 To ensure that in the planning process there are no grounds for suggesting that observations by the Town Council have been biased, partial or not well-founded in any way.

### THE KEY PURPOSE OF PLANNING

- 2.2 To control development in the public interest.

### THE ROLE AS A MEMBER OF THE TOWN COUNCIL

- 2.3 To consider planning applications notified to it and construct observations to be forwarded to the planning authority, openly, impartially, with sound judgement and for justifiable reasons.

### WHEN THE CODE OF GOOD PRACTICE APPLIES

- 2.4 This Code of Good Practice applies to Town Councillors at all times when involving themselves in the planning process. This includes when taking part in the meetings of the Council to determine observations to be forwarded to the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings. It

applies as equally to planning enforcement matters or consultation on site specific policy issues as it does to planning applications.

- 2.5 If Councillors have any doubts about the application of this Code of Good Practice to their own circumstances, they should seek advice early, from their Town Clerk or the District Council's Monitoring Officer.

### **3 RELATIONSHIP TO THE CODE OF CONDUCT FOR COUNCILLORS**

- 3.1 The rules in the Code of Conduct for Councillors adopted by the Town Council must always be complied with first.
- 3.2 The rules in this Planning Code of Good Practice must then be applied. They seek to explain and supplement the Code of Conduct for Councillors for the purposes of planning matters. If a Councillor does not abide by this Code of Good Practice, they may put:
- 3.2.1 the Council at risk of proceedings on the validity of their decision on observations; and
  - 3.2.2 themselves at risk of either being named in a report made to the Standards Committee or Town Council or, if the failure is also likely to be a breach of the Code of Conduct for Councillors, a complaint being made to the Standards Committee.

### **4 DEVELOPMENT PROPOSALS AND INTERESTS UNDER THE CODE OF CONDUCT FOR COUNCILLORS**

- 4.1 Councillors must disclose the existence and nature of any Interest at any relevant meeting, including informal meetings or discussions with officers and other Councillors. Interests should preferably be disclosed at the beginning of the meeting or as soon as an interest becomes known.
- 4.2 Where the Councillor has a Private Interest, they must:
- 4.2.1 not participate, or give the appearance of trying to participate, in the making of any decision on the matter by the Council. However, they may address the Committee but only to make a presentation in the same manner that would apply to a normal member of the public, after which they must leave the room whilst the meeting considers it (they must not remain in the public gallery).
  - 4.2.2 not try to represent town ward views; they should get another Local Councillor to do so instead.
  - 4.2.3 not get involved in the processing of the application.
  - 4.2.4 not seek or accept any preferential treatment, or place themselves in a position that could lead the public to think they are receiving preferential treatment, because of their position as a councillor. This would include using their position to discuss that proposal with officers or councillors when other members of the public would not have the same opportunity to do so.
  - 4.2.5 be aware that, whilst they are not prevented from seeking to explain and justify a proposal in which they have a Private Interest to an appropriate officer, in person or in writing, the Code of Conduct for Councillors places limitations on them in representing that proposal.

## **5 FETTERING DISCRETION IN THE PLANNING PROCESS**

- 5.1 Councillors must not fetter their discretion, and therefore their ability to participate in discussing planning matters and deciding on representations to be made to the Planning Authority, by making up their mind, or clearly appearing to have made up their mind (particularly in relation to an external interest or lobby group), on how they will vote on any planning matter prior to formal consideration of the matter at the meeting of the Town Council and of their hearing the Town Clerk's advice and evidence and arguments on both sides.
- 5.2 Fettering their discretion in this way and then taking part in making the decision will put the Council at risk of challenge on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the material considerations enabling the proposal to be considered on its merits.
- 5.3 Councillors are likely to have fettered their discretion where the Council is the landowner, developer or applicant and they have acted as, or could be perceived as being, a chief advocate for the proposal. This is more than a matter of membership of the Town Council which proposes the matter and makes representations to the Planning Authority, but that through their significant personal involvement in preparing or advocating the proposal they will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.
- 5.4 Councillors are able to take part in the debate on a proposal when acting as part of a consultee body (e.g. member of a conservation group), provided:
- 5.4.1 the proposal does not substantially affect the well-being or financial standing of the consultee body;
- 5.4.2 they make it clear to the consultee body that:
- 5.4.2.1 their views are expressed on the limited information before them only;
- 5.4.2.2 they must reserve judgement and the independence to make up their own mind on each separate proposal, based on their overriding duty to the whole parish or town and when it comes before the Town Council and they hear all of the relevant information; and
- 5.4.2.3 they will not in any way commit themselves as to how they or others may vote when the proposal comes before the Town Council; and
- 5.4.3 they disclose the Ordinary Interest regarding their membership or role when the Town Council comes to consider the proposal.
- 5.5 Councillors must not speak and vote on a proposal where they have fettered their discretion. They do not also have to withdraw (if they don't have a Private Interest in the matter), but they may prefer to do so for the sake of appearances.
- 5.6 Councillors should explain that they do not intend to speak and vote because they have, or they could reasonably be perceived as having judged (or reserved the right to judge) the matter elsewhere, so that this may be recorded in the minutes.

## **6 CONTACT WITH APPLICANTS, DEVELOPERS AND OBJECTORS**

- 6.1 Councillors should refer those who approach them for planning, procedural or technical advice to the Town Clerk or to Planning Authority officers.
- 6.2 Councillors should not agree to any private meeting with applicants, developers or groups of objectors on their own where they can reasonably avoid it. Where they believe that a private

meeting would be useful in clarifying the issues, they should attend with the Town Clerk or other Town Council Officer. The Town Clerk or other officer will then ensure that those present at the meeting are advised from the start that the discussions will not bind the Council to any particular course of action, that the meeting is recorded, and the record of the meeting is disclosed to all other Town Council Members.

- 6.3 Councillors should:
- 6.3.1 follow the rules on lobbying;
  - 6.3.2 consider whether or not it would be prudent in the circumstances to make notes when contacted; and
  - 6.3.3 report to the Town Clerk any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and their involvement in them, and ensure that this is recorded on the planning file.
- 6.4 In addition, in respect of presentations by applicants/developers, Councillors should:
- 6.4.1 Invite the applicants/developers to present to the whole Town Council or committee, where possible in public, however applicant confidentiality at a pre-application stage must be respected;
  - 6.4.2 ask relevant questions for the purposes of clarifying their understanding of the proposals;
  - 6.4.3 remember that the presentation is not part of the formal process of debate and determination of any subsequent application; this will be carried out by the Town Council if a planning application is subsequently made;
  - 6.4.4 be aware that a presentation is a form of lobbying and they must not express any strong view or state how you or other Councillors might vote. The Town Council may after consideration, forward initial reactions to the proposal, but must make clear these comments are without prejudice to any formal observations to the Planning Authority on a planning application after all information contained in it and other views have been considered

## **7 LOBBYING OF COUNCILLORS**

- 7.1 Councillors must remember that their overriding duty is to the town, taking account of the need to make decisions impartially, that they should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- 7.2 Councillors should not accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, they must ensure it is kept to a minimum, that its acceptance is declared as soon as possible and that they remember to register interests where their value is over £25 (in accordance with the Council's rules on gifts and hospitality).
- 7.3 Councillors should copy or pass on any lobbying correspondence they receive to the Town Clerk at the earliest opportunity.
- 7.4 Councillors should promptly refer to the Town Clerk any offers made to them of community benefit, through a proposed s.106 Planning Obligation or otherwise.
- 7.5 Councillors should inform the Town Clerk where they feel they have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality). The Town Clerk may refer this matter to the District Council's Monitoring Officer if considered significant.

- 7.6 Unless they have a Private Interest, Councillors will not have fettered their discretion or breached this Planning Code of Good Practice through:
- 7.6.1 listening or receiving viewpoints from residents or other interested parties;
  - 7.6.2 making comments to residents, interested parties, other Councillors or appropriate officers, provided they do not consist of or amount to pre-judging the issue and they make it clear that they are keeping an open mind;
  - 7.6.3 seeking information through appropriate channels; or
  - 7.6.4 being a vehicle for the expression of opinion, provided they explain their actions at the start of the meeting or item and make it clear that, having expressed the opinion or town ward view, they have not committed themselves to vote in accordance with those views and will make up their own mind having heard all the facts and listened to the debate.

## **8 LOBBYING BY COUNCILLORS**

- 8.1 Councillors should not lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If they do, they will have fettered their discretion and are likely to have a Private Interest.
- 8.2 Councillors may join general interest groups which reflect their areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, but they must disclose any Interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Town Council that they have reserved judgement and the independence to make up their own mind on each separate proposal.
- 8.3 Councillors should not excessively lobby fellow councillors regarding their concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.
- 8.4 Councillors must not decide or discuss how to vote on any application at any sort of Political Group Meeting, or lobby any other Councillor to do so. Political Group Meetings should never dictate how Councillors should vote on a planning issue.

## **9 SITE VISITS**

- 9.1 Councillors should attend site visits organised by the Town Council where possible.
- 9.2 Councillors should not request a site visit unless they feel it is strictly necessary because:
  - 9.2.1 particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection.
- 9.3 Councillors should ensure that any information which they gain from the site visit is reported back to the Town Council, so that all Councillors have the same information.
- 9.4 Councillors must ensure that they treat the site visit only as an opportunity to seek information and to observe the site.
- 9.5 Councillors may ask the applicants/developers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- 9.6 Councillors must not express opinions or views to anyone.



## **10 PUBLIC SPEAKING AT MEETINGS**

- 10.1 Councillors must not allow members of the public to communicate with them during the Town Council's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.
- 10.2 Councillors must ensure that they comply with the Town Council's procedures in respect of public speaking.

## **11 OFFICERS**

- 11.1 Councillors must not put pressure on either the Town Clerk or Planning Authority officers to put forward a particular recommendation. This does not prevent them from asking questions or submitting views as individuals through the formal consultation process
- 11.2 Councillors must recognise and respect that Planning Authority officers involved in the processing and determination of planning matters must act in accordance with their Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or Councillors.

## **12 DECISION-MAKING**

- 12.1 Local Councillors may lobby their District or County Councillors but must accept that they in turn must act correctly and must not fetter their discretion. The Town Councillor may request the District or County Councillor to request a proposal to go before the Committee rather than be determined through officer delegation, but must remember that if that councillor does so, that their reasons will need to be stated, recorded and repeated in the report to the Committee.
- 12.2 Councillors should come to the Town Council meetings with an open mind and demonstrate that they are open-minded.
- 12.3 Councillors must make observations based on material planning considerations, in accordance with the Development Plan and any adopted Neighbourhood Plan unless material considerations indicate otherwise.
- 12.4 Councillors must come to their decision only after due consideration of all of the information reasonably required upon which to base a decision. If they feel there is insufficient time to digest new information or that there is simply insufficient information before them, they should request further time or information from the Planning Authority.
- 12.5 Councillors should not vote or take part in the meeting's discussion on a proposal unless they have been present to hear the entire debate, including the Clerk's introduction to the matter.
- 12.6 Councillors should make sure that the reasons for Local Council's decisions are recorded.

## **13 TRAINING**

- 13.1 Councillors should where possible have attended the planning training prescribed by the Town Council.