



# **BOGNOR REGIS TOWN COUNCIL**

## **CODE OF CONDUCT FOR COUNCILLORS**

Adopted by Council on 6<sup>th</sup> September 2021

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## **Introduction**

The Bognor Regis Town Council Code of Conduct has been based on the Model as developed by The Local Government Association (LGA), in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance

All Councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation.

## **Definitions**

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

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

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

For the purposes of this Code of Conduct, "local authority" includes county Councils, district Councils, London borough Councils, parish Councils, town Councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

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

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

## **General principles of Councillor conduct**

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, Councillors and local authority Officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of Councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of Councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

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

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

- you are acting in your capacity as a Councillor and/or as a representative of your Council
- you are claiming to act as a Councillor and/or as a representative of your Council
- you are giving the impression that you are acting as a Councillor and/or as a representative of your Council
- you refer publicly to your role as a Councillor or use knowledge you could only obtain in your role as a Councillor.

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

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication

- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times.

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.

## **Standards of Councillor conduct**

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

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

### **General Conduct**

#### **1. Respect**

##### **As a Councillor:**

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

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

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

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

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidating or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police.

This also applies to fellow Councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's Councillor-Officer protocol.

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

**As a Councillor:**

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

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

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

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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

## **3. Impartiality of Officers of the Council**

**As a Councillor:**

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

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question

Officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

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

**As a Councillor:**

##### **4.1 I do not disclose information:**

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - i. I have received the consent of a person authorised to give it;**
  - ii. I am required by law to do so;**
  - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
  - iv. the disclosure is:**
    - 1. reasonable and in the public interest; and**
    - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
    - 3. I have consulted the Monitoring Officer prior to its release.**

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

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

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

#### **5. Disrepute**

**As a Councillor:**

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

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/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.

**6. Use of position**

**As a Councillor:**

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

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

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

**As a Councillor:**

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

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

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

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

Examples include:

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

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

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

**As a Councillor:**

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

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

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

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

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

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

### **9. Interests**

**As a Councillor:**

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

You need to register your interests so that the public, local authority employees and fellow Councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should declare an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public

know about any interest that might have to be declared by you or other Councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or declare a disclosable pecuniary (i.e. financial) interest is a criminal offence under the Localism Act 2011.

Appendices B & C set out the detailed provisions on registering, declaring registrable interests. If in doubt, you should always seek advice from your Monitoring Officer.

## **10. Gifts and hospitality**

### **As a Councillor:**

**10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**

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

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

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

# **Appendices A to G**

## Appendix A - The Seven Principles of Public Life

The principles are:

### **Selflessness**

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

### **Integrity**

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

### **Objectivity**

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

### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

### **Honesty**

Holders of public office should be truthful.

### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## Appendix B - Registering interests

1. Within 28 days of this Code of Conduct being adopted by the local authority or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Appendix C Table 1 (Disclosable Pecuniary Interests) and Table 2 (Other Registerable Interests). Disclosable Pecuniary Interests means issues relating to money and finances.
2. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
3. A 'sensitive interest' is as an interest which, if disclosed, could lead to the Councillor/member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.
4. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### Declaring interests

5. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest, just that you have an interest.
6. Where a matter arises at a meeting which directly relates to one of your Other Registerable Interests, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', again you do not have to declare the nature of the interest.
7. Where a matter arises at a meeting which *directly relates* to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.
8. Where a matter arises at a meeting which *affects* –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a friend, relative, close associate;  
or
- c. a body included in those you need to declare under Disclosable Pecuniary Interests

you must disclose the interest.

9. Where the matter affects the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

## Appendix C - Registrable Interests

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.

### Table 1: Disclosable Pecuniary Interests

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

<b><u>Subject</u></b>	<b><u>Description</u></b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]

**Sponsorship**

Any payment or provision of any other financial benefit (other than from the Council) made to the Councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

**Contracts**

Any contract made between the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director\* or a body that such person has a beneficial interest in the securities of\*) and the Council -

- (a) under which goods or services are to be provided or works are to be executed; and
- (b) which has not been fully discharged.

**Land and Property**

Any beneficial interest in land which is within the area of the Council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.

**Licences**

Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer

**Corporate tenancies**

Any tenancy where (to the Councillor's knowledge -

- (a) the landlord is the Council; and
- (b) the tenant is a body that the Councillor, or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners is a partner of or a director\* of or has a beneficial interest in the securities\* of.

## Securities

Any beneficial interest in securities\* of a body where -

- (a) that body (to the Councillor's knowledge) has a place of business or land in the area of the Council; and
- (b) either—
  - (i) the total nominal value of the securities\* exceeds £25,000 or one hundredth of the total issued share capital of that body; or
  - ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Councillor, or his/ her spouse or civil partner or the person with whom the Councillor is living as if they were.
- (c) that body (to the Councillor's knowledge) has a place of business or land in the area of the Council; and
- (d) either -
  - (i) the total nominal value of the securities\* exceeds £25,000 or one hundredth of the total issued share capital of that body; or
  - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Councillor, or his/ her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

\* 'director' includes a member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

## **Table 2: Other Registerable Interests**

**Any Body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council;**

Any Body - (a) exercising functions of a public nature;

(b) directed to charitable purposes; or

(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management.

## Appendix D - Guidance

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;

## Appendix E – The Committee on Standards in Public Life

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

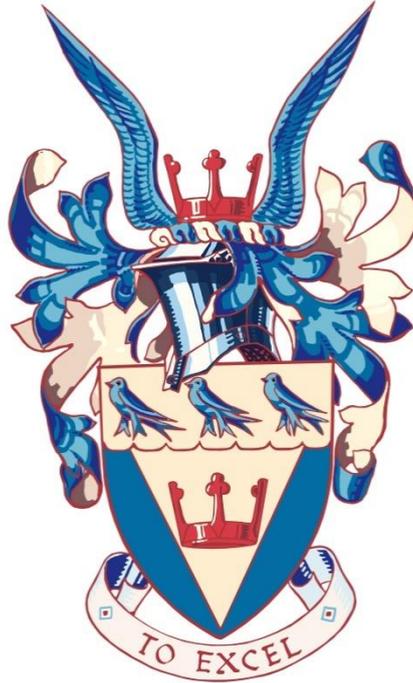
The recommendations cover:

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

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

- Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.
- Best practice 2: Councils should include provisions in their code of conduct requiring Councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by Councillors.
- Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.
- Best practice 4: An authority's code should be readily accessible to both Councillors and the public, in a prominent position on a Council's website and available in Council premises.
- Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.
- Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.
- Best practice 7: Local authorities should have access to at least two Independent Persons.

- Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible Officer is minded to dismiss as being without merit, vexatious, or trivial.
- Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.
- Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.
- Best practice 11: Formal standards complaints about the conduct of a parish Councillor towards a clerk should be made by the chair or by the parish Council as a whole, rather than the clerk in all but exceptional circumstances.
- Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish Councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.
- Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.
- Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.
- Best practice 15: Senior Officers should meet regularly with political group leaders or group whips to discuss standards issues.



# **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 2018, 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.

## APPENDIX 1 TO SOCIAL MEDIA POLICY

### 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 an Other Registrable 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.