

# **Gillingham Town Council**

## **Code of Conduct**

**Revised February 2019**



Gillingham Town Council  
School Road, Gillingham, Dorset SP8 4QR

# Document Control

**Document Title:** Code of Conduct

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Policy Author	<p><b>Clare Ratcliffe, Deputy Town Clerk</b>  Based on the Model Code of produced by National Association of Local Councils (NALC),  109 Great Russell Street  London WC1B 3LD  020 7637 1865   <a href="mailto:nalc@nalc.gov.uk">nalc@nalc.gov.uk</a>    <a href="http://www.nalc.gov.uk">www.nalc.gov.uk</a></p>
Applies to	All members and officers of Gillingham Town Council
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Notes	

## Code of Conduct

### Localism Act 2011, section 27

#### Public Duty and Private Interests

##### 1. Public Duty

The Code of Conduct applies to elected members and co-opted members of Gillingham Town Council.

The Code of Conduct has been adopted by Gillingham Town Council to promote and maintain high standards of behaviour by its elected and co-opted members, especially with regards to the Principles of Public Life, namely:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

When acting in your capacity as a member or co-opted member of Gillingham Town Council the following obligations will apply:

- You **MUST** behave in such a way that a reasonable person would regard as respectful.
- You **MUST** make all choices, when carrying out your public duties, on merit and in the public interest and have reasonable regard to any relevant advice provided by an officer of the Town Council.
- You **MUST** be accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
- You **MUST** be as open as possible about your decisions and actions and those of the Town Council and be prepared to give reasons for those decisions and actions in accordance with statutory requirements and those imposed by the Town Council or contained with its Standing Orders.
- You **MUST** declare private interests, whether disclosable or personal, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests as per the procedures set out in this document.
- You must **NOT** disclose information given to you in confidence by anyone or information acquired by you except where you have the consent by the person authorised to give it, you are required to do so by law, 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 the disclosure is in the public interest, made in good faith and compliance with the requirements of the Town Council.
- You must **NOT** prevent another person from gaining access to information to which that person is entitled to by law.

- You must **NOT** breach the Town Council's Standing Orders or the Communications Policy in respect of restrictions on councillor activities and relations with the press/media and social media.
- You must **NOT** act in a way which a reasonable person would regard as bullying or intimidation, misuse of power or authority which attempts to undermine or coerce others which may cause them to suffer from stress or fear.
- You must **NOT** use Town Council resources improperly or for political purposes (including party political purposes).
- You must **NOT** do anything which may cause the Town Council to breach a statutory duty or any of the equality enactments (as defined in the Equality Act 2010 section 149).
- You must **NOT** seek to improperly confer an advantage or disadvantage on any person to act or gain financial or other material benefits for yourself, a member of your family or close associate.
- You must **NOT** place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- **REMEMBER** that whilst you may be strongly influenced by the views of others, it is your responsibility alone to decide what view to take on any question which members must decide.
- **REMEMBER** do nothing as a member which you could not justify to the public.
- **REMEMBER** that the reputation of the Town Council depends on your conduct and what the public believes about your conduct.
- **REMEMBER** that it is not enough to avoid actual impropriety, you should always avoid any occasion for suspicion or appearance of improper conduct.
- **REMEMBER** that it is your responsibility to comply with the provisions of this Code of Conduct.

## 2. Registration of Interests

Within 28 days of the Code of Conduct being adopted by Gillingham Town Council or a member's election or the co-opted member's appointment, they must register with the Unitary Authorities Monitoring Officer the interests which fall within the categories set out in Table 1.

Within 28 days of re-election of a member or a re-appointment of a co-opted member, they must re-register with the Unitary Authorities Monitoring Officer any interests as set out in the Table 1.

A member must register with the Unitary Authorities Monitoring Officer any change to interests or new interests listed in Table 1 within 28 days of being aware.

A member only needs to declare the existence but not the details of any interests which the Unitary Authorities Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead to the member or a person connected with the member to be subject to violence or intimidation.

### **3. Declarations of Interests at Meetings**

Where a matter arises at a meeting which relates to an interest in Table 1, the member shall not participate in a discussion or vote on the matter. A member must declare what their interest is if it is not already entered in the member's register of interests or if they have not notified the Monitoring Officer of the interest.

Where a matter arises at a meeting which relates to an interest in Table 1 which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest, which has not already been disclosed to the Monitoring Officer, the member shall disclose that interest but not the nature of it.

Where a matter arises at a meeting which relates to an interest in Table 2, the member shall not vote on a matter. They may speak on the matter only if members of the public are also allowed to speak at the meeting.

A member must declare an interest in Table 1 if it has not already been entered on their register of interests or has not been notified to the Monitoring Officer or if they speak on the matter. If a member holds an interest in Table 2 which is a sensitive interest not already disclosed to the Monitoring Officer, the member shall declare the interest but not the nature of the interest.

Where a matter arises at the meeting which relates to a financial interest of a friend, relative or close associate (other than an interest in Table 1), the member shall disclose the nature of the interest and not vote on the matter. The member may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

### **4. Dispensations**

On a written request made to the Town Clerk, the Town Council may grant a member a dispensation to participate in a discussion and vote on a matter at the meeting even if the member has an interest in Table 1 and 2 if the Town Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Town Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.

Table 1

<b>Disclosable Pecuniary Interests</b>		
1	Employment	Any employment, office, trade, profession or vocation carried on for profit or gain by you or a relevant person*.
2	Sponsorship	Any payment or provision of any other financial benefit (other than from the Town Council) made or provided within the relevant period in respect of any expenses incurred in carrying out your duties as a member, or towards your expenses, including any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
3	Contracts	Any contract made between you or (so far as you are aware), a relevant person* (or a body in which the relevant person has a beneficial interest) and the Town Council: (1) under which goods or services are to be provided or works are to be executed; and (2) which has not been fully discharged.
4	Land	Any beneficial interest in land held by you, or so far as you are aware, a relevant person*, which is within the area of the Town Council.
5	Licence	Any licence (alone or jointly with others) to occupy land held by you, or so far as you are aware, a relevant person* in the area of the Town Council which will last for a month or longer.
6	Corporate Tenancies	Any tenancy where (to your knowledge): (1) the landlord is the Town Council; and (2) the tenant is a body in which you or, so far as you are aware, a relevant person* has a beneficial interest.
7	Securities	Any beneficial interest that you or, so far as you are aware, a relevant person* has in securities of a body where: (1) that body (to your knowledge) has a place of business or land in the area of the Town Council, and either: (2) (a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (b) if the share capital of that body is more than one class, the total nominal value of the share 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.

Table 2

<b>Personal or Other Interests</b>	
1	<p>Memberships</p> <p>(1) Anybody to which you have been appointed by the Town Council or exercising functions of a public nature directed to charitable purposes or whose principal purposes include influence of public opinion or policy, your membership of any other local authority and of any political party or trade union.</p> <p>(2) In addition to those interests listed above which you are required to register, you may wish also to declare membership of anybody which, in your view, might create a conflict of interest in carrying out your duties as a councillor.</p> <p>(3) Any other area which, in your view might create a conflict of interest in carrying out your duties as a councillor, including but not confined to the receipt of gifts or hospitality to a value greater than £50.</p>
<p>* Relevant person is defined as a spouse, civil partner, or person with whom the member is living with as if a spouse/civil partner.</p>	

Signed by

The Mayor of Gillingham: \_\_\_\_\_ Date: \_\_\_\_\_