



Code of Conduct

and behavioural standards

DRAFT 2.2

Public

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Bradford on Avon
Town Council



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1. Aim

This Code of Conduct fulfils the Town Council's statutory obligation under the Localism Act 2011 (LA 2011) to adopt a Code of Conduct.

It is based on the Code of Conduct adopted by Wiltshire Council, and provided to Parish and Community Council's within their demesne as Principal Authority.

However, in consultation with elected Members, and in keeping with the Nolan Principles of Public Life, this Code of Conduct also provides behavioural Standards, to which all members are expected to adhere.

The Standards explain the Town Council's view on the behaviours expected under the Nolan Principles, and also in recognition of the Town Council's position as an employer and the duty of care owed to employees, and those with whom Councillors work throughout the community.

The aim of this document is to uphold and promote standards in public life, and maintain and uphold the reputation of the office of Town Councillor.

2. Scope

This Code is adopted as permitted under Section 8.1.2 of Standing Orders, and is given effect as a Policy of the Council under Section 1.1.5.

The following individuals shall consider themselves within scope of this Code:

- All elected or co-opted Members of the Town Council;
- All non-councillor members appointed to committees or sub-committees within the scope of Standing Orders;
- All individuals representing Consultee Bodies within council meetings, regardless of their individual confirmation of acceptance;
- Any other individual acting in a non-employed capacity for the Town Council in a public office such as may be defined in the law of England and Wales.

3. Limitation

Nothing in this Code shall provide for acceptance of civil liability by the Town Council or any member thereof where an individual member is alleged or found to have acted in a way which breaches its provisions.

This Code is adopted in good faith, and with regard to the Law of England and Wales, accepting that items required under this Code may, if breached, incur individual criminal or civil liability.

4. Enforcement

Breaches of this code will be handled under Section 8 of Town Council Standing Orders.



4.1. Statutory breaches

Suspected breaches of statutory provisions will be referred to the Wiltshire Council Monitoring Officer, and follow their procedure.

4.2. Non-statutory breaches

- 4.2.1. Suspected breaches of non-statutory provisions will be referred to Full Council, or such other committee as may have within its Terms of Reference the upholding of this Code.
- 4.2.2. Where it is commonly known or witnessed that a member's action contravened this Code, the matter shall be deemed referred under 4.2.1, even in the absence of a specific complaint from an individual employee or other party;
- 4.2.3. Following an investigation of facts, the matter shall be heard by the relevant Committee;
- 4.2.4. Where deemed appropriate for the preservation of fairness or the public trust, an Independent Person shall be appointed by the Committee for the purposes of investigation and reporting to the Committee;
- 4.2.5. Where members of the assigned committee deem it appropriate, they may refer the matter to Full Council, with the same provisions 4.2.2—4.2.3 having force;
- 4.2.6. Any individual whose behaviour is subject to such a hearing shall be barred from voting in any motion or other action in relation to the matter;
- 4.2.7. Unless there is a prevailing public interest or regulatory requirement for proceedings under 4.2.1 to be held in confidential session, they shall be heard in public;
- 4.2.8. Notwithstanding 4.1, under Section 8.1.5 of Standing Orders, Members may instigate this procedure to investigate non-statutory breaches alongside statutory breaches, or on completion of an investigation by the Monitoring Officer where no statutory breach was found;
- 4.2.9. Sanctions under this section may include a motion or motions to remove offices held under the *vires* of the Town Council (for example Chair, Vice-Chair, Leader, Committee Chair, Committee Deputy-Chair or committee member), by simple majority vote, as provided for under Standing Orders;
- 4.2.10. In order that sanctions be limited or removed, other conditions may be attached by members;
- 4.2.11. No sanction under this section shall be placed on an elected Member which prevents them from undertaking the minimum duties of their elected office;
- 4.2.12. Nothing in this section shall prevent the Proper Officer from undertaking other actions for the protection of employees.



5. Code of Conduct

5.1. The Nolan Principles

- 5.1.1. All members of Bradford on Avon Town Council, elected or co-opted shall have regard to the following principles - **selflessness, integrity, objectivity, accountability, openness, honesty and leadership.**
- 5.1.2. Members will promote and support high standards of conduct during the duration of their term of office, whether undertaking public duties or not, and shall undertake no action which demeans or brings the office they hold in to disrepute;
- 5.1.3. Members must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for themselves, their family, a friend or close associate.
- 5.1.4. Members must not place themselves under a financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of official duties.
- 5.1.5. All decisions made whilst exercising a Member's public duties must be made on merit, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits.
- 5.1.6. Members are accountable for their decisions to the public and must co-operate fully with such scrutiny as is appropriate to the office.
- 5.1.7. Members must be as open as possible about their decisions and actions and the decisions and actions of this authority, and should be prepared to give reasons for those decisions and actions.
- 5.1.8. Members will ensure that the resources of this Authority are not used improperly for political purposes (including party political purposes) and will have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

5.2. Registering and declaring pecuniary and non-pecuniary interests

(The Statutory provisions)

- 5.2.1. Members must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties, and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out below.
- 5.2.2. Members must, within 28 days of taking office as a member or co-opted member, notify the Principal Authority's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State ([Appendix A](#)), where the pecuniary interest is the member's, their spouse's or civil partner's, or is the pecuniary interest of somebody with whom the member is living as a husband or wife, or as if they were civil partners.
- 5.2.3. In addition, members must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary or non-pecuniary interests which your authority has decided should be included in the register.
- 5.2.4. If an interest has not been entered onto the authority's register it must be disclosed to any meeting of authority at which you are present, and where a disclosable interest is held in any matter being considered and where the matter is not a sensitive interest.



- 5.2.5. Following any disclosure of an interest which is not on the authority's register or the subject of pending notification, the member must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.
- 5.2.6. Unless dispensation has been granted, members may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State.
- 5.2.7. Additionally, members will observe the restriction under Section 4.6.8 of Standing Orders.

5.3. Additional interests

- 5.3.1. Further to 4.2.3, individuals listed under Section 2 shall declare the following additional interests:
 - 5.3.1.1. any body of which the councillor is a member or in a position of general control or management and to which the councillor is appointed or nominated by the Council;
 - 5.3.1.2. any body exercising functions of a public nature of which the councillor is a member or in a position of general control or management;
 - 5.3.1.3. any body directed to charitable purposes of which the councillor is a member or in a position of general control or management;
 - 5.3.1.4. any body one of whose 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 general control or management;
- 5.3.2. Such interests shall not have the effect provided for under 4.6.8, but must be declared in reference to any specific Agenda item at the time of discussion or at the commencement of the meeting.

6. Behavioural Standards

6.1. General provisions

- 6.1.1. Members shall conduct themselves in a way which upholds the dignity of their office and shall not undermine, abuse, debase or act in any way which brings that office into disrepute;
- 6.1.2. Members shall be subject to this code at all times, excepting matters in relation to their private and family life, as defined under the [Human Rights Act 2000](#) (Schedule 1, Article 8), or other matters reserved elsewhere in relevant law.
- 6.1.3. Members shall foster a culture of mutual respect and act with regard to rules of debate laid down in Standing Orders;
- 6.1.4. Behavioural standards are held by this council to be central to compliance with the Nolan Principles, in particular integrity and leadership;
- 6.1.5. Members are reminded that no privilege attaches to their conduct or language during council meetings, and that individual liability may arise should they defame, bully or harass any individual.



6.2. Behaviour toward Town Council employees

- 6.2.1. Nothing in this Code shall prevent a Member from undertaking the decisions in relation to employees, premises or other matters as provided for in the *vires* of the Town Council, including performance management of employees or holding them to their public duties;

providing that

- 6.2.2. Members at all times have regard to the duty of care owed to Town Council employees by the Town Council and do not act in any way which breaches, or could be deemed to breach that duty of care;

in particular, noting that

- 6.2.3. Members shall not:

- 6.2.3.1. Harass, bully or take any action which result in employees feeling unsafe at work;
- 6.2.3.2. Use their right to be heard in a Council meeting to demean or harass an employee, whether in public or confidential session;
- 6.2.3.3. Engage in un-solicited or un-warranted physical contact with employees;
- 6.2.3.4. Act in a way that may be deemed to discriminate against any individual on the basis of Protected Characteristics, as defined by the Equality Act 2010;
- 6.2.3.5. Act in a way which places an employee at risk of harm;
- 6.2.3.6. Act in a manner which may be construed as sexualised, or soliciting sexual activity with an employee, or as enticing an employee to solicit such activity on their behalf;
- 6.2.3.7. Otherwise act in a way beneath the dignity of their office, or which abuses the authority of that office.



Appendix A

Interests prescribed by Secretary of State described in the table below.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, 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 member or his/her spouse or civil partner or the person with whom the member 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	Any beneficial interest in land held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partner 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 member or his/her spouse or civil partner or the person with whom the member 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) held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners to occupy land in the area of the Council for a month or longer.
Corporate tenancies	Any tenancy where (to the member's knowledge)— (a) the landlord is the Council; and (b) the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member 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 held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners in securities* of a body where— (a) that body (to the member'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 member, or his/her spouse or civil partner or the person with whom the member 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.