



**Date:** 07 January 2020

**Title:** Report Item 9 – Code of Conduct

**By:** K Larkin (Parish Clerk)

**Purpose:** To request the council to adopt county-wide amendments to the Code of Conduct

**Recommendations:** To note the report and adopt the amendments

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The parish council's current Code of Conduct was adopted in July 2012. Section 27(2) of the Localism Act 2011 required Councils thereafter to adopt a code of conduct in compliance with the seven principles set out in section 28 of the Act. The new draft Code had been developed across the County to achieve a level of consistency across the East Sussex authorities, and was recommended to the parish by the Wealden District Council. That code has now been revised again to include additional provisions, chiefly relating to bullying and harassment, as recommended by the national Committee on Standards in Public Life.

East Sussex County Council (ESCC), at its Full Council meeting on 14 May 2019, agreed to amend its Code of Conduct to include the new material. ESCC also recommended that all other councils within the County did the same to ensure consistency across East Sussex and reflect best practice.

Therefore, Wealden District Council (WDC) considered and approved the amendments at a meeting of its Full Council on 27 November 2019. WDC now strongly advises each parish council in the District to consider this matter at their next available Full Council meeting.

An extract from the Code of Conduct with the proposed amendments shown in red is attached in the Annex to this report. The rest of the Code remains the same.

## Part 5 (2) –Members’ Code of Conduct (Extract)

### Part 1 – General Provisions

#### 1. Introduction and interpretation

- (1) This Code applies to you as a member of the Authority, when acting in that capacity.
- (2) This Code is based upon seven principles fundamental to public service, which are set out above. You should have regard to these principles as they will help you to comply with the Code.
- (3) If you need guidance on any matter under this Code you should seek it from the Authority’s Monitoring Officer or your own legal adviser – but it is entirely your responsibility to comply with the provisions of this Code.
- (4) It is a criminal offence to fail to notify the Authority’s Monitoring Officer of a disclosable pecuniary interest, to take part in discussions or votes at meetings, or to take a decision where you have disclosable pecuniary interest, without reasonable excuse. It is also an offence to knowingly or recklessly to provide false or misleading information to the Authority’s Monitoring Officer.
- (5) Any written allegation received by the Authority that you have failed to comply with this Code will be dealt with by the Authority under the arrangements which it has adopted for such purposes. If it is found that you have failed to comply with the Code, the Authority has the right to have regard to this failure in deciding -
  - (a) whether to take action in relation to you and
  - (b) what action to take.
- (6) Councillors are required to comply with any request regarding the provision of information in relation to a complaint alleging a breach of the Code of Conduct and must comply with any formal standards investigation.
- (7) Councillors should not seek to misuse the standards process, for example, by making trivial or malicious allegations against another councillor for the purposes of political gain.
- (8) In this Code—

“*Authority*” means East Dean and Friston Parish Council

“*Code*” means this Code of Conduct

“*co-opted member*” means 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.

"meeting" means any meeting of the Authority:

- (a) the Executive of the Authority;
- (b) any of the Authority's or its executive's Committees, Sub-Committees, Joint Committees, Joint Sub-Committees, or Area Committees;

"member" includes a co-opted member.

"register of members' interests" means the Authority's register of members' pecuniary and other interests established and maintained by the Authority's Monitoring Officer under section 29 of the Localism Act 2011.

## 2. Scope

- (1) Subject to sub-paragraphs (2) and (3), you must comply with this Code whenever you—
  - (a) conduct the business of your Authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
  - (b) act, claim to act or give the impression you are acting as a representative of your Authority,

and references to your official capacity are construed accordingly.

- (2) This Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) Where you act as a representative of your Authority—
  - (a) on another relevant Authority, you must when acting for that other Authority comply with its Code of Conduct; or
  - (b) on any other body, you must, when acting for that other body, comply with your Authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

## 3. General obligations

- (1) You must treat others with respect.
- (2) You must not—
  - (a) do anything which may cause your Authority to breach any of its equality duties (in particular as set out in the Equality Act 2010);

- (b) bully or harass any person; (Note: Bullying may be characterised as: offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.)
- For examples of conduct that constitute bullying or harassment see Annex A.
- (c) Intimidate, or improperly influence, or attempt to intimidate, or improperly influence any person who is likely to be -
- a. a complainant,
  - b. a witness, or
  - c. involved in the administration of any investigation or proceedings,
- in relation to an allegation that a member (including yourself) has failed to comply with his or her Authority's code of conduct; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your Authority.

(NOTE: The rest of the Code remains the same)

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## **Annex A: - Non-exhaustive Examples of Bullying and Harassment**

With reference to paragraph 3(2)(b) of this Code –

(1) Examples of bullying behaviour include, without limitation:

- spreading malicious rumours, or insulting someone by word or behaviour
- ridiculing or demeaning someone – picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position

- unwelcome sexual advances – touching, standing too close,
- display of offensive materials, asking for sexual favours, making decision on the basis of sexual advances being accepted or rejected.
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading or constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities
- invading someone's personal space
- speaking to someone in an overbearing manner
- using aggressive body language
- undermining or belittling someone

(2) Examples of harassment include, without limitation:

- making abusive, derogatory, patronising, suggestive or sexualised comments or sounds
- making offensive jokes or insulting gestures or facial expressions
- ridicule
- offensive e-mails, tweets or comments on social networking sites
- trolling via social networking sites
- threats of aggression or intimidation
- making false and malicious assertions
- intrusive questioning about private matters
- display of offensive material
- unwanted comments on dress or appearance

### **Definition of 'improperly influence'**

- To induce another person through the use of, for example, threats or bribery to give consideration to or to act on any basis other than the merits of the matter.
- To bring undue pressure upon a person to try to get them to do something that they wouldn't normally do.