

To: Chair & Members of the Standards
Committee

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Friday, 25 June 2021

Dear Councillor

STANDARDS COMMITTEE

You are hereby summoned to attend a meeting of the Standards Committee of the Bolsover District Council to be held in the Council Chamber, The Arc, Clowne on Monday, 5th July, 2021 at 14:00 hours.

Whilst social distancing is in place Members and officers are required to adhere to the protocol for attending meetings in the Council Chamber. When attending in person you will be deemed to have accepted the following disclaimer as applying.

Risk Assessment Disclaimer

When attending this meeting in person, I confirm that I have read and understood the contents of each of the following risk assessments and agree to act in line with its content.



We speak your language
Polish **Mówimy Twoim językiem**
Slovak **Rozprávame Vaším jazykom**
Chinese **我们会说你的语言**

**If you require this agenda in large print
or another format please call us on 01246 217753**

If you require an adjustment to enable you to participate in or access the meeting please contact the Governance Team at least 72 hours before the meeting starts.

- Covid-19 ARC RTW RA001
- Working in Offices At The Arc During Covid-19 Pandemic Guidance – ARC – SSW001
- Meetings – EM001 - Committee and Council Meetings during the Covid-19 pandemic

These documents have been emailed to Members and are available on the Modern.Gov App library.

Register of Members' Interests - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised from page 3 onwards.

Yours faithfully

A handwritten signature in black ink that reads "Sarah Steuberg". The signature is written in a cursive style with a large, looping 'S' at the beginning and a long, trailing 'g' at the end.

Solicitor to the Council & Monitoring Officer

**STANDARDS COMMITTEE
AGENDA**

***Monday, 5 July 2021 at 14:00 hours taking place in the Council Chamber, The Arc,
Clowne***

Item No.	PART 1 – OPEN ITEMS	Page No.(s)
1.	Apologies For Absence	
2.	Urgent Items of Business	
	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972.	
3.	Declarations of Interest	
	Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:	
	a) any business on the agenda	
	b) any urgent additional items to be considered	
	c) any matters arising out of those items	
	and if appropriate, withdraw from the meeting at the relevant time.	
4.	Minutes	4 - 9
	To consider the minutes of the last meeting held on 22 February 2021.	
5.	Draft New Code of Conduct for Councillors	10 - 31
6.	Review of the Council's Constitution	To Follow
7.	Complaints Update	32 - 33
	Update on statistics of complaints received by the Council against District and Parish Councillors	
8.	Work Programme 2021/2022	To Follow
	To consider the Standards Committee Work Programme for the 2021/22 municipal year.	

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee of the Bolsover District Council held as a Virtual Meeting on Monday, 22 February 2021 at 15:30 hours.

PRESENT:-

Members:-

R. Jaffray in the Chair

Councillors Tricia Clough, David Downes, Andrew Joesbury, Clive Moesby and Deborah Watson.

Officers:- Sarah Sternberg (Solicitor to the Council & Monitoring Officer), Kevin Shillitto (Deputy Monitoring Officer), Nicola Calver (Governance Manager), Ann Bedford (Customer Standards and Complaints Officer) and Amy Bryan (Senior Governance Officer).

Also in attendance at the meeting was Ian Kirk, Independent Person.

STA38-20/21 APOLOGIES FOR ABSENCE

No apologies for absence were received.

STA39-20/21 URGENT ITEMS OF BUSINESS

There was no urgent business to be considered at the meeting.

STA40-20/21 DECLARATIONS OF INTEREST

Members were requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

There were no declarations made at the meeting.

STA41-20/21 MINUTES

Moved by Councillor Andrew Joesbury and seconded by Councillor Tricia Clough
RESOLVED - that the minutes of a meeting of the Standards Committee held on 30th November 2020 be approved as a true and correct record.

STA42-20/21 CUSTOMER SERVICE STANDARDS AND COMPLIMENTS, COMMENTS AND COMPLAINTS REPORT 2020/21 - APRIL TO SEPTEMBER 2020

Committee considered a report regarding the Council's performance in relation to its customer service standards and the number of compliments, comments and complaints

STANDARDS COMMITTEE

for the period 1st April 2020 to 30th September 2020.

In respect of customer services standards the report set out performance against the targets for telephones, contact centres, revenues & benefits, emails and face to face monitoring. The report also detailed the number of compliments, comments and complaints that had been received in this monitoring period.

Members thanked officers for their work and adaptability during the circumstances that everyone had been working under during the past year.

Moved by Councillor Andrew Joesbury and seconded by Councillor David Downes

RESOLVED - that the overall performance on compliments/comments and complaints and customer service standards, particularly in the light of the constraints officers had been working within during Covid-19 arrangements, be noted.

STA43-20/21 THE LOCAL GOVERNMENT ASSOCIATION MODEL CODE OF CONDUCT

Committee considered a report which set out the model Members' Code of Conduct which had been published by the Local Government Association. The model Member Code of Conduct was attached to the report at Appendix 1.

The stated purpose of the Code of Conduct was to protect Councillors by modelling the behaviour expected of Councillors, providing a personal check and balance and setting out the type of conduct that could lead to action being taken against Councillors.

Committee discussed the draft Model Code of Conduct and suggested amendments and additions including:

- Referring to formal and informal meetings (general principles)
- Specific reference or cross reference to GDPR and Data Protection legislation and the Member Officer Protocol (section 4)
- A reference to not trying or seeking to obtain information they shouldn't (section 4)
- Word 'authority' is missing at 7.2 (section 7)

It was suggested that it would be very useful if Parish and Town Councils adopted the same Code of Conduct. The Monitoring Officer confirmed that once the draft District Code of Conduct had been completed the Parish Councils would be written to with the offer that they could adopt the code as their own should they wish to.

Moved by Councillors Tricia Clough and seconded by Councillor David Downes

RESOLVED – that:-

- 1) the model Code of Conduct be noted and the comments made by the Committee be incorporated in the draft Bolsover Members Code of Conduct
- 2) a draft Bolsover Members Code of Conduct be submitted to the Standards Committee on 21 April 2021.

(Monitoring Officer)

STANDARDS COMMITTEE

STA44-20/21 CODE OF PRACTICE - AUDIO AND VISUAL FOOTAGE OF MEETINGS

Committee considered a report which presented a proposed Code of Practice for Audio and Visual Footage of Meetings. The proposed code of practice was attached to the report at Appendix 1.

The report noted that it was good practice to have a code of practice to refer to and ensured a consistent application of the process.

Moved by Councillor Andrew Joesbury and seconded by Councillor Tricia Clough

RESOLVED – that the proposed Code of Practice for Audio and Visual Footage of Meetings be approved.

(Governance Manager)

STA45-20/21 CODE OF PRACTICE - VACATING OFFICE

Committee considered a report which presented a proposed Code of Practice for Vacating Office. The proposed code of practice was attached to the report at Appendix 1.

The report stated that this proposed code of practice was for the application of Section 85 of the Local Government Act 1972 (known as the 6 month rule), notification processes and other means by which a Member could vacate public office.

The Governance Manager suggested that the following paragraphs regarding Co-opted Members for whom Section 85 and 86 of the Local Government Act 1972 did not apply, be added to the proposed code of practice:

1.7 In reference to a Co-opted Member, S. 85 and S.86 of the LGA 1972 do not apply, nor does the LHGHA 1989 S.1. A Co-opted Member may vacate office where they choose to do so through resignation, sadly when they die during their term of office, or where the Council removes them by resolution.

In respect of Co-opted Members:

2.8 Where a Committee or Outside Body to which the Council has appointed a Co-opted Member wishes to replace its nominee, the matter will be referred to Council. Council alone can determine whether to accede to the request.

2.9 This matter would be considered in private session, and should only be brought forward where resolution to the reason for replacement cannot be brokered. An example of a reason for replacement could be sustained non-attendance of non-contact.

5.2 The Elections Manager will issue the vacancy of notice. **In the case of a Co-opted Member, the Governance Manager will manage the replacement.**

Moved by Councillor David Downes and seconded by Councillor Clive Moesby

STANDARDS COMMITTEE

RESOLVED – that the proposed Code of Practice for Vacating Office, including the proposed additions stated at the meeting, be approved.

(Governance Manager)

STA46-20/21 JOINT WHISTLEBLOWING POLICY - ANNUAL REPORT

Committee considered a report which provided an update on the use of the Joint Whistleblowing Policy. The Joint Whistleblowing Policy was attached to the report at Appendix 1.

The Joint Whistleblowing Policy had been reviewed to ensure it remained fit for purpose and it was concluded that the existing version was satisfactory and up to date with current legislation and best practice.

There were no instances of Whistleblowing to report since the last review of the Policy in February 2020.

Moved by Councillor David Downes and seconded by Councillor Andrew Joesbury

RESOLVED – that:

- 1) the current Joint Whistleblowing Policy be agreed as fit for purpose.
- 2) there had been no instances of whistleblowing made since the 2020 Annual Review of the Joint Whistleblowing Policy, be noted.

(Monitoring Officer)

STA47-20/21 REVIEW OF THE COUNCIL'S CONSTITUTION

Committee considered a report in relation to areas for review within the Council's Constitution.

The following areas had been identified for review at this meeting.

a) Contract Procedure Rules – raise level for Request for Quotations (RFQs)

It was proposed to raise the level at which a RFQ could be used in place of tenders to £75k. It was currently £50k. This would still require the active involvement of the Procurement Team for contracts with a value of £10 to £75k.

b) Extraordinary Council Meetings

It was proposed under the 'housekeeping' process to add a footnote to clarify that 3.3 (of the Council Procedure Rules) did not restrict the agenda for Extraordinary Council meetings to one item of business and that such items as Questions and Motions shall be included on the agenda.

STANDARDS COMMITTEE

c) Delegation to EH Officers to serve section 215 Town and Country Planning Act 1990 notice

The Planning Committee, Assistant Director for Development and the Planning Manager currently hold a delegation for Planning and Development Control functions, including enforcement for which the Council was responsible in Schedule 1 of the Functions Regulations. It was proposed to extent this delegation to Environmental Health officers who were often the instigators of the need for such action.

d) Delegation given to Monitoring Officer to temporarily approve dispensations under the Section 85 Rule

It was proposed to add a delegate to the Head of Corporate Governance and Monitoring Officer in relation to Councillor attendance dispensations under Section 85 of the Local Government Act 1972. This was to be able to provide a dispensation only when there was no Council meeting to consider the application before the expiry and a dispensation would only be granted until the date of the next Council meeting which would consider the application.

e) Review of the Constitution

Each year, as part of the Review of the Constitution report that Council considered, a delegation was given to the Monitoring Officer to make changes to the Constitution arising from any new legislation, administrative errors or conflicts in interpretation. It was proposed that this be incorporated in to the Delegation Scheme.

Moved by Councillor Andrew Joesbury and seconded by Councillor Deborah Watson
RESOLVED – that the Committee support the submission of all the proposals to Council as part of the next Constitution Review.

(Monitoring Officer)

STA48-20/21 COMPLAINTS UPDATE

Committee received a verbal update provided by the Monitoring Officer in relation to complaints received against Members.

There were three complaints that remained ongoing from 2019 in respect of Parish Councillors. There were five complaints submitted in 2020 which were currently being considered; two related to District Councillors and 3 related to Parish Councillors. There had been one complaint submitted so far in 2021 in respect of a District Councillor.

Moved by Councillor Clive Moesby and seconded by Councillor Tricia Clough
RESOLVED – that the update be noted.

STA49-20/21 WORK PROGRAMME 2020/2021

Committee considered their work programme for the remainder of the 2020/21 municipal year.

STANDARDS COMMITTEE

Moved by Councillor Andrew Joesbury and seconded by Councillor David Downes
RESOLVED – that the work programme be noted.

The meeting concluded at 16:36 hours.

Bolsover District Council

Standards Committee

5 July 2021

Draft new Code of Conduct for Councillors

Report of the Monitoring Officer

Classification: This report is public
Report By: Sarah Sternberg, Monitoring Officer
Contact Officer: Sarah Sternberg, Monitoring Officer

PURPOSE / SUMMARY

To present for Members consideration a new draft Code of Conduct for Councillors based on the new Local Government Association Model Code.

RECOMMENDATIONS

1. That Members consider and comment on the draft Code of Conduct for Councillors.
2. That Members recommend to Council adoption of the draft Code of Conduct for Councillors.
3. That Members identify the training for all District Councillors on the new Code of Conduct for Councillors and how it is to be provided.
4. That Members consider the approach to the Parish and Town Councils recommending that they adopt the Local Government Association Model Code of Conduct for Councillors

Approved by the Portfolio Holder – As this is a matter for the Standards Committee and Council this approval is not needed.

IMPLICATIONS

Finance and Risk: Yes No

Details:

There are no financial consequences of adopting a new Code of Conduct for Councillors

On Behalf of the Section 151 Officer

Legal (including Data Protection):

Yes

No

Details:

The Council is required to have a Code of Conduct for Councillors by the Localism Act 2011. The Local Government Association has produced a model Code following the recommendations of the Committee for Standards in public life. The Council must therefore consider the model and it is good practice to adopt the model as amended to meet the Council's circumstances. The model does not introduce any areas that are not currently part of the Code of Conduct either explicitly or implicitly. Rather it clarifies the expectations in relation to the conduct of Councillors in carrying out their role.

On Behalf of the Solicitor to the Council

Staffing: **Yes**

No

Details:

There are no additional staffing issues resulting from this report.

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	N/A
District Wards Significantly Affected	All indirectly through the behaviour of Councillors representing them.
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	All Members will be consulted at Council when the draft Code is presented following Standards Committee

Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.

This is an ethics issue covering the behaviour of all Councillors.

REPORT DETAILS

1 **Background** *(reasons for bringing the report)*

- 1.1 As Members may recall, following the recommendations of the Committee for Standards in Public Life, the Local Government Association has produced a model Code of Conduct for Councillors. Members of the Committee considered the draft Code at a previous meeting. This report is accompanied by a draft Code for Bolsover District Councillors.
- 1.2 It is necessary to consider and recommend to Council what training should be undertaken on the new Code of Conduct for Councillors once adopted by Council.
- 1.3 In addition, as the Monitoring Officer and Standards Committee for the Parish and Town Councils in the Bolsover District Council area we need to inform them of the adoption (post Council) of the new code and recommend it to them for adoption.

2. **Details of Proposal or Information**

- 2.1 Members are invited to consider and comment on the draft and then to recommend to Council the final version.
- 2.2 in considering the draft, Members should be aware that in its current form which follows the LGA model:
 - Provision will need to be made for the granting of dispensations. This is included in the current Code and has therefore been added to the draft.
 - The current Code includes reference to Councillors' obligation to attend Mandatory Training which is missing from the LGA model. The current Code includes a requirement to attend Mandatory training as listed in an appendix to the code. This has been included in the draft.Members need to confirm if they are happy with this.
 - The Current Code contains an explanation of Predetermination or Bias. This has also been included in the Code.
 - Members are also asked to identify any other matters which they feel should be included in the Code.
- 2.3 The Local Government Association (LGA) will undertake an annual review of their model Code to ensure it continues to be fit for purpose, incorporating advances in technology, social media and changes in legislation. The

LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

- 2.4 In relation to training, a session has been run recently in relation to the current Code of Conduct. This was reasonably well attended. However it is important that all District Councillors are informed of the contents of the new Code of Conduct for Councillors and are able to ask questions on its contents. One way of doing this is by doing a presentation to Council on the contents as part of the referred item from Standards Committee.
- 2.5 Alternatively a separate session could be arranged for Members.
- 2.6 In addition it could be useful to have a briefing note explaining the differences. Members need to decide their preference.
- 2.7 In relation to the Parish and Town Councils, it is suggested that the Chair of Standards Committee and the Monitoring Officer write to the Chairs of the Parish and Town Councils following adoption by the Council and recommend adoption of the Bolsover District Council Code of Conduct for Councillors. This is particularly relevant where some Parish Councils have a code, the contents of which are solely the Nolan principles.
- 2.8 Once Council has approved the new Code of Conduct for Councillors, each Councillor will have to agree to being subject to the Code, as it is between elections. Therefore a letter/email will be sent to each Councillor following Council approval requiring that agreement.

3 Reasons for Recommendation

- 3.1 To ensure that the District Council and Parish and Town Councils have a Code of Conduct for Councillors which follows best practice and that the Councils' ethics are beyond reproach.

4 Alternative Options and Reasons for Rejection

- 4.1 There are no alternatives.

DOCUMENT INFORMATION

Appendix No	Title
1	Draft Bolsover District Council Code of Conduct for Councillors
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
None	

Bolsover District Council **Code of Conduct for Councillors**

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Each councillor's individual conduct affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed a Model Councillor Code of Conduct, 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.

This is Bolsover's Code of Conduct for Councillors which is based on the LGA Model Councillor Code of Conduct. Bolsover District Council will be referred to as "the District Council" throughout.

Definitions

For the purposes of this Code of Conduct, a "Councillor" means a member or co-opted member of North East Derbyshire District Council. 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".

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, Bolsover District Council 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 use of support, training and mediation from the Monitoring Officer, the LGA and elsewhere is encouraged 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. These are in Appendix A to this Code. This Code should be read in conjunction with these 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 which may include when:

- You misuse your position as a Councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting 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 when acting as a Councillor.

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 to the Monitoring Officer against you. This 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 District Council employees, employees and representatives of partner organisations and those volunteering for the District Council 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, intimidatory or threatening, you are entitled to stop any conversation or interaction in person or online and report them to the District Council, 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 District Council employees, where concerns should be raised with the District Council's Head of Paid Service in line with the District Council's Protocol for Councillor – officer relations which is in the District Council's Constitution and other employee policies.

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 District Council'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 District 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 District Council.

Officers work for the District Council 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 District Council; 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 including the District Council must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. Councillors 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 District Council 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 the District Council 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 the District Council and may lower the public's confidence in your or the District Council's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring the District Council into disrepute.

You are able to hold the District Council and fellow Councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the District 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 District Council 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 District Council's resources and facilities

As a Councillor:

7.1 I do not misuse District Council resources.

7.2 I will, when using the resources of the District Council or authorising their use by others:

- a. act in accordance with the District Council'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 District Council or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the District Council to assist you in carrying out your duties as a councillor.

Examples include:

- Office support
- Laptop and/or Ipad or other technology
- Stationery
- Transport
- Access to and use of District Council 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 District Council'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 the District Council.

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 District Council or its governance. If you do not understand or are concerned about the District Council's processes in handling a complaint you should raise this with the Monitoring Officer.

Protecting your reputation and the reputation of the District Council

9. Interests

As a Councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to

establish and maintain a register of interests of members of the District Council.

You need to register your interests so that the public, District Council 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 disclose 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 disclosed 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 disclose a disclosable pecuniary interest (dpi) as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing 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 District Council or from persons who may apply to the District Council 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 and where appropriate any with a value less than £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 District Council, 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, contact your Monitoring Officer for guidance.

11 Training

You must attend the Mandatory training set out in **Appendix C** and any other training the Council may deem is required from time to time.

You must attend the training detailed above as soon as reasonably practicable:

- (a) after your election; and
- (b) after your re-election;
- (c) after your appointment to a relevant Committee or Sub-Committee; and (
- d) as required after changes in legislation, policy or procedure affecting the relevant Committee or Sub-Committee outlined above; and/or
- e) as frequently as set out in Appendix C

You must attend training if you are instructed to do so by a Standards Hearing Sub-Committee. If you fail to do so after 3 months or having been offered training on two occasions the fact of your failure will be reported to the Committee.

12 Dispensations

The District Council may grant you a dispensation to enable you to participate and vote on a matter in which you have a Disclosable Pecuniary Interest.

Requests for dispensation must be made, in writing to the Monitoring Officer, on one of the following grounds:

- That so many members of the decision-making body have disclosable pecuniary interests in a matter that it would impede the transaction of the business.
- That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the likely outcome of any vote on the matter.
- That the District Council considers that the dispensation is in the interests of persons living in the Authority's area;
- That, without a dispensation, no member of the Cabinet would be able to participate in the matter; or
- That the District Council considers that it is otherwise appropriate to grant dispensation.

13 Pre determination or bias

Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be

prohibited from participating in a decision in your political role as Member. However **do not** place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

When making a decision, **do** consider the matter with an open mind and on the contents before the meeting at which the decision is to be taken. When reaching decisions on any matter you must have regard to any relevant advice provided to you by:

(a) the Head of Paid Service

(b) the Chief Finance Officer; or

(c) the Monitoring Officer,

where that officer is acting pursuant to his or her statutory duties. Members
Interests As a public figure, your pub

Appendices

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 disclose 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

Within 28 days of becoming a member or your re-election or re-appointment to office as a District Councillor you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“Disclosable Pecuniary Interest” (DPI) means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. 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.
2. A ‘sensitive interest’ is an interest which, if disclosed, could lead to the Councillor, or a person connected with the Councillor, being subject to violence or intimidation.
3. 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.

Non participation in case of Disclosable Pecuniary Interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the Chamber or room where the meeting is being held unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a Disclosable Pecuniary Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose 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 disclose the nature of the interest.

Disclosure of Non-Registerable Interests

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 set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you 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 disclose 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 relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registerable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **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 may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you 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 disclose the nature of the interest.

10. [Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

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.](#)

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the 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
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with
	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.
Licenses	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

* '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 Registrable Interests

You must register as an Other Registerable Interest:

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) 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 C
Mandatory Training

BDC COMPLAINTS MADE AGAINST MEMBERS – QUARTERLY UPDATE – 2021/2022

List of Cases which do not proceed to investigation

DATE OF RECEIPT	PART OF CODE OF CONDUCT ALLEGED TO HAVE BEEN BREACHED	NAME OF COUNCIL	WHETHER A POTENTIAL BREACH WAS FOUND	REASONS FOR DECISION
02/02/21	Nolan Principles of Integrity, Objectivity and Leadership and General Principle of Code of Conduct: promoting equality and treating people with respect	Bolsover District Council	No	The complaint was regarding comments made online. No breach of the code was found but an equalities officer was asked to speak to the Councillor about how statements could be perceived.