

CONSTITUTION

PART 5 – MEMBERS’ CODE OF CONDUCT

Page No.

Code of Conduct

5-1 - 5-31

ASHFIELD DISTRICT COUNCIL

MEMBERS' CODE OF CONDUCT

Introduction

It is important that Councillors can be held accountable and all adopt the behaviours and responsibilities associated with the role. An individual Councillor's conduct affects the reputation of all Councillors.

As Councillors you represent local residents, work to develop better services and deliver local change. The public have high expectations of Councillors and trust Councillors to represent their local area taking decisions fairly, openly and transparently. Councillors are expected to maintain high standards and demonstrate good conduct, challenging where behaviour falls below expectations. As an Ashfield District Councillor, you are a representative of this Authority and the public will view you as such, therefore your actions impact on how the Authority as a whole is viewed and your action can have both positive and negative impacts on the Authority.

Councillors should be able to undertake their democratic role without being intimidated, abused, bullied or threatened by anyone, including the general public.

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

Everyone in public office at all levels should uphold the Seven Principles of Public Life, also known as the "Nolan Principles". This Code is based upon the Nolan Principles which are set out below:

The Seven Principles of Public Life

Selflessness

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

Interpretation

In this Code the following definitions apply:

“A Councillor” means a Member or Co-opted Member of the Authority

“A Co-opted Member” means a person who is not a Member of the Authority but who is a member of:

- a) Any committee or sub-committee of the Authority; or
- b) 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:

- a) The Authority;
- b) The Executive of the Authority;
- c) Any of the Authority's or its Executive's committees, sub-committees, joint committees, or joint sub-committees;

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members.

"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.

A 'Sensitive Interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.

"The Authority" means Ashfield District Council.

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, the Authority's 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 prior to action being taken using the Code is to be encouraged. 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

Building on the Nolan Principles, the following general principles apply to the role of Councillor.

In accordance with the public trust placed on Councillors, on all occasions Councillors should:

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

In undertaking the role of Councillor, Councillors should:

- Impartially exercise the responsibilities of a Councillor in the interests of the local community;
- Not improperly seek to confer an advantage, or disadvantage, on any person;
- Avoid conflicts of interest;
- Exercise reasonable care and diligence; and
- Ensure that public resources are used prudently in accordance with the Authority's requirements and in the public interest.

Scope

This Code of Conduct applies to you as soon as you sign the Declaration of Acceptance of the Office of Councillor or attend your first meeting as a Co-opted Member and continues to apply until you cease to be a Councillor or Co-opted Member.

You **must** comply with this Code whenever you are acting in your official capacity which includes when:

- (a) You conduct the business of the Authority; or
- (b) You act as a representative of the Authority; or

- (c) 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 or as a representative of the Authority;

This Code does not have effect in relation to your conduct other than where it is in your official capacity.

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.

When acting as a Councillor, you are expected to uphold high standards of conduct and show leadership at all times.

The Members' Social Media Policy is appended to the Members' Code of Conduct as **Appendix F**.

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.

Obligations

This section sets out a Councillor's obligations. These obligations are the minimum standards of conduct required of 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.

Respect

1. When acting in your role as a Councillor:
 - 1.1 You treat other Councillors and members of the public with respect.
 - 1.2 You treat local authority employees, employees and representatives of partner organisations and those volunteering for the 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, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the Authority, the relevant social media provider or the police. This also applies to fellow Councillors, where action could then be taken under the Members' Code of Conduct, and the Authority's employees, where concerns should be raised in line with the Authority's Member/Officer Protocol.

Bullying, Harassment and Discrimination

- 2 When acting in your role as a Councillor:
 - 2.1 You do not bully any person.
 - 2.2 You do not harass any person.
 - 2.3 You 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 Authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

Impartiality of Officers of the Council

- 3 As a Councillor
 - 3.1 You do not compromise or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the Authority.

Officers work for the 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. Councillors 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, Councillors 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.

Confidentiality and Access to Information

4 As a Councillor:

4.1 You do not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:

- (a) you have the consent of a person authorised to give it;
- (b) you are required by law to do so;
- (c) 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
- (d) the disclosure is:
 - (i) reasonable and in the public interest; and
 - (ii) made in good faith and in compliance with the reasonable requirements of the Authority; and
 - (iii) you have consulted the Monitoring Officer prior to its release.

4.2 You do not prevent another person from gaining access to information to which that person is entitled by law.

4.3 You do not improperly use knowledge gained solely as a result of your role as Councillor for the advancement of yourself, your friends, your family members, your employer or your business interests.

The Authority must work openly and transparently, and its 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 Authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

Disrepute

5 As a Councillor:

5.1 You do not conduct yourself in a manner which could reasonably be regarded as

bringing your role or the 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 the Authority and may lower the public's confidence in your, or the Authority's, ability to discharge functions. For example, behaviour that is considered dishonest and/or deceitful can bring your Authority into disrepute.

You are able to hold the 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.

Use of Position

6 As a Councillor:

6.1 You do not use, or attempt to use, your position improperly to the advantage or disadvantage of yourself or anyone else.

Your position as a Councillor 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 another's private interests or to disadvantage anyone unfairly.

Use of Local Authority Resources and Facilities

7 As a Councillor, when using or authorising the use by others of the resources of the Authority:

7.1 You act in accordance with the Authority's reasonable requirements including the requirements of the Authority's ICT policy, a copy of which has been provided to you and which you are deemed to have read;

7.2 You make sure that such resources are not used improperly 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 Authority or of the office to which you have been elected or appointed; and

7.3 You have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

You may be provided with resources and facilities by the 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 Authority's own policies regarding their use.

The Council has an approved Use of Resources Protocol. The Use of Resources Protocol provides rules on the use of Council resources for councillors. The key principle underlying the Use of Resources Protocol is that public office and public resources should not be used to further purely private or party-political purposes.

The Use of Resources Protocol is appended to the Members' Code of Conduct as **Appendix E**.

Complying with the Code of Conduct

- 8 As a Councillor:
 - 8.1 You will cooperate with any Code of Conduct investigation and/or determination;
 - 8.2 You do not intimidate or attempt to intimidate any person who is or is likely to be:
 - (a) a complainant;
 - (b) a witness;
 - (c) involved in the administration of any investigation or proceedings, in relation to an allegation that a Councillor (including yourself) has failed to comply with the Authority's Code of Conduct;

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

Sanctions

If you are found to have been in breach of this Code, the Hearing Sub-Committee may impose one or more of the following sanctions:

- a) Censure or reprimand the Councillor;
- b) Publish its findings in respect of the Councillor's conduct;
- c) Report its findings to Council or to the Parish Council, or both for information;
- d) Recommend to the Councillor's Group Leader (or in the case of un-grouped Councillors, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- e) Recommend to the Leader of the Council that the Councillor be removed from the Cabinet, or removed from particular portfolio responsibilities;
- f) Recommend to Council that the Councillor be replaced as Executive Leader;

- g) Instruct the Monitoring Officer, or recommend that the Parish Council, to arrange training for the Councillor;
- h) Remove, or recommend to the Parish Council that the Councillor be removed, from all outside appointments to which he/she has been appointed or nominated by the Authority or by the Parish Council;
- i) Withdraw, or recommend to the Parish Council that it withdraws, facilities provided to the Councillor by the Council, such as a computer, website and/or email and internet access; or
- j) Exclude, or recommend that the Parish Council exclude, the Councillor from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

The Hearings Sub-Committee has no power to suspend or disqualify a Councillor or to withdraw Member's allowances or special responsibility allowances.

Training

- 9 As a Councillor:
 - 9.1 You must attend the mandatory training set out in Appendix D and any other training the Authority may deem is required from time to time.
 - 9.2 You must attend the training detailed in 9.1 as soon as reasonably practicable:
 - (a) after your election; and
 - (b) after your re-election; and
 - (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 D.
 - 9.3 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 and/or having been offered training on two occasions, the fact of your failure will be reported to the Standards and Personnel Appeals Committee.
 - 9.4 It may not be necessary for you to complete some of the training requirements set out in Appendix D. This is only if you can evidence to the Monitoring Officer or Assistant Director – Democracy that you have completed similar training within a reasonably recent timescale. It is always mandatory to complete Committee specific training following appointment for Planning Committee, Licensing Committee, Chief Officers' Employment Committee, and the Standards and Personnel Appeals Committee, in accordance with the frequency set out in Appendix D.

9.5 A record of training completed by Members is kept by Democratic Services.

Pre-determination or Bias

10.1 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 Councillor, 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.

10.2 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) your Authority's Chief Finance Officer; or
- (b) the Monitoring Officer;

where that officer is acting pursuant to his or her statutory duties.

Interests

11 As a Councillor:

11.1 You must register and disclose your interests in accordance with the requirements set out more fully below.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the Authority.

You need to register your interests so that the public, the Authority's 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.

11.2 Registration of Disclosable Pecuniary Interests

- a) Within 28 days of becoming a Councillor, or your re-election, or re-appointment to office, you must register with the Monitoring Officer the interests of yourself and those of your partner (if you are aware of your partner's interests) which fall within the categories set out in Appendix A.
- b) 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.

- c) 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.

11.3 Non participation in case of disclosable pecuniary interest:

- a) where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests, you must verbally declare the existence and nature of the Interest at the meeting (unless the interest is a Sensitive Interest in which event you need not disclose the nature of the interest). You must not participate in any discussion on the item of business or vote on the matter and must leave the meeting unless you have been granted a dispensation. 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.
- b) 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.

You should note that failure to register or disclose a Disclosable Pecuniary Interest as set out in Appendix A, is a criminal offence under the Localism Act 2011.

11.4 Disclosable Personal Interests

- a) Where a matter arises at a meeting which directly relates to one of your Disclosable Personal Interests (as set out in Appendix B), you must disclose the interest on the register of interests and make a verbal declaration of the existence and nature of that interest at the meeting. You may speak and vote on the item and remain in the meeting during the item.

11.5 Non-Registerable Interests

You have an “**Other Interest**” in an item of business of the Authority where:

- (a) a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you, or a member of your family, or a person with whom you have a close association to a greater extent than it would affect the majority of the inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority’s administrative area; or
- (b) it relates to or is likely to affect any of the interests listed in Appendix A to this Code, but in respect of a member of your family (other than your spouse, civil partner or person with whom you are living as spouse or civil partner) or a person with whom you have a close association

and that interest is not a Disclosable Pecuniary Interest.

- (c) Where a matter arises at a meeting which directly relates to one of your Non-Registrable Interests you must make a verbal declaration of the existence and nature of that interest at the meeting. You may speak and vote on the item and remain in the meeting during the item.

11.6 There are some decisions that your Authority will need to make that could affect every Councillor. A list of these is set out at Appendix C. **You may** take part in these decisions **unless** you fall into one of the exceptions set out in the list.

Gifts and Hospitality

12 As a Councillor:

- 12.1 You 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 your part to show favour from persons seeking to acquire, develop or do business with the Authority, or from persons who may apply to the Authority for any permission, licence or other significant advantage
- 12.2 You are required to declare and register any gifts and hospitality accepted in excess of an estimated value of £50.00 (Fifty Pounds).
- 12.3. You are required to declare gifts and hospitality in excess of an estimated value of £50.00 (Fifty Pounds) but which were declined.

In order to protect your position and the reputation of the 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. 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.

SCHEDULE OF DISCLOSABLE PECUNIARY INTERESTS

Subject	Prescribed Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 (c52).</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate Tenancies	<p>Any tenancy where (to M's knowledge):</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

APPENDIX B

SCHEDULE OF DISCLOSABLE PERSONAL INTERESTS

You have a Disclosable Personal Interest in any business of your Authority where it relates to or is likely to affect:

- a) and body which is a:
 - (i) private club or society, such as the Freemasons; or
 - (ii) a recreational club; or
 - (iii) a working men's club; or
 - (iv) a private investment club.

APPENDIX C

DECISIONS AFFECTING ALL COUNCILLORS

Where the decision referred to in Rule 11.4 above relates to one of the functions of the Authority set out below, and the condition which follows that function does not apply to you when making that decision, you may participate in the decision:

- (i) housing, where you are a tenant of your Authority *unless* those functions relate particularly to your tenancy or lease;
- (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education or are a parent governor of a school, *unless* it relates particularly to the school which the child attends;
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to Members;
- (v) any ceremonial honour given to Members;
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

APPENDIX D

MANDATORY TRAINING

Training	Scope	Frequency
Planning Committee	<p>Planning legislation and case law. Local Plan policies. Procedures. Role on Planning Committee.</p> <p>Role of a Member of Local Planning Authority</p> <p>Planning Code of Good Practice</p> <p>Relationship to Members' Code of Conduct</p> <p>Development proposals and Interests under Members' Code of Conduct</p> <p>Fettering Discretion in the Planning Process</p> <p>Lobbying of and by Councillors</p> <p>Contact with applicants, developers and objectors</p> <p>Role of Officers</p> <p>Decision Making</p> <p>Public Speaking at Meetings</p> <p>Site Visits</p> <p>How to determine Planning Applications</p>	<p>Prior to sitting on Planning Committee minimum of every two years. Refresher training may be given more frequently.</p>
Licensing Committee and its Sub-Committees	<p>Licensing legislation, policies and procedures relevant to the remit of the Committee and its Sub-Committees.</p> <p>General Principles of each Act</p> <p>Role of Members</p> <p>Ward Member Role</p> <p>Licensing Objectives</p> <p>Determining Licensing Applications</p>	<p>Prior to sitting on the Committee or its Sub-Committees minimum of every four years.</p>
Chief Officers Employment Committee and the Interview and Appraisal Sub-Committee	<p>Recruitment and selection.</p> <p>Appraisals</p> <p>Legislation, policies and practice within the remit of the Committee and its Sub-Committee</p>	<p>Prior to sitting on the Committee or its Sub-Committee occasional refresher training may be given.</p>
Standards and Personnel Appeals and its Sub-Committees	<p>Legislation, case law, policies and procedures relevant to the remit of the Committee and its Sub-Committees</p>	<p>Prior to sitting on the Committee or its Sub-Committees minimum of every four years.</p>
Code of Conduct/ Ethical Governance	<p>Understanding of the Members' Code of Conduct and the governance of the Council.</p> <p>Responsibilities and role as a Councillor.</p> <p>Outline of Constitution</p>	<p>At the point of election and on subsequent re-election(s).</p>

	<p>Promoting and maintaining high standards of conduct by Members</p> <p>Code of Conduct (including Gifts and Hospitality)</p> <p>The Register of Interests</p> <p>Protocols</p> <p>Guidance</p> <p>Dispensations</p> <p>Political Publicity – rules</p> <p>Data Protection</p> <p>Freedom of Information</p>	
Equalities and Diversity	<p>To tackle discrimination and social exclusion, promote equality of opportunity and foster good relations between all.</p>	<p>After each election. Members can evidence to the Monitoring Officer or Assistant Director – Democracy the completion of similar training within a reasonably recent timescale.</p>
Safeguarding	<p>To provide guidance and advice to elected Members on;</p> <ul style="list-style-type: none"> • roles and responsibilities in relation to safeguarding children and vulnerable adults and • how Members should raise any concerns and receive assurance about children and adults who may be at risk. 	<p>Every 2 years. Members can evidence to the Monitoring Officer or Assistant Director – Democracy the completion of similar training within a reasonably recent timescale.</p>
Lone Worker	<p>Ensuring Members keep themselves safe</p>	<p>After election or re-election. Refresher (online) annually. Members can evidence to the Monitoring Officer or Assistant Director – Democracy the completion of similar training within a reasonably recent timescale.</p>
Fraud Awareness	<p>To raise awareness of where fraud may occur in District Councils and what actions should be taken.</p>	<p>After each election and bi-annually thereafter.</p>
Chairperson (if appointed as a Chair)	<p>To ensure that Members appointed to Chairmanships have the required knowledge, skills and attributes needed to become an</p>	<p>Following initial appointment to position. Members can</p>

	effective Chairman.	evidence to the Monitoring Officer or Assistant Director – Democracy the completion of similar training within a reasonably recent timescale.
--	---------------------	---



Ashfield

DISTRICT COUNCIL

APPENDIX E

Protocol for Use of Resources by Councillors

Version: 1.0
Approved by Council: 26 May 2022

1. INTRODUCTION

- 1.1 This protocol provides rules on the use of Council resources in relation to your role as a Councillor. The key principle underlying this protocol is that public office and public resources should not be used to further purely private or party-political purposes.

The Council provides a range of support services and facilities to enable Councillors to carry out their duties.

All Councillors must comply with the provisions of the adopted Members' Code of Conduct regarding the use of Council resources.

Council resources should be used exclusively for the purposes of Council business or to enable Councillors to carry out their Councillor role. Failure to comply with the rules set out within this protocol is likely to result in a breach of the Members' Code of Conduct.

- 1.2 As set out within the Members' Code of Conduct, as a Councillor, when using or authorising the use by others of the resources of the Council:
- 1.2.1 You act in accordance with the Authority's reasonable requirements including the requirements of the Authority's ICT policy.
- 1.2.2 You make sure that such resources are not used improperly for political purposes unless that use could reasonable be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Authority or of the office to which you have been elected or appointed.
- 1.2.3 You have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 1.3 You may be provided with resources and facilities by the Council to assist you in carrying out your duties as a Councillor. Examples include:
- Office support
 - Stationery
 - Equipment such as phones, computers
 - Transport
 - Access and use of local authority buildings and rooms
- 1.4 These are given to you to help you carry out your role as a Councillor more effectively and not to be used for business or personal gain. They are to be used in accordance with the purpose for which the have been provided as set out within this Protocol.
- 1.5 The rules regarding the use of these resources are set out in the Schedule within this protocol.

2. WHEN THIS PROTOCOL APPLIES

2.1 Councillors may use Council facilities and resources in connection with the following Council business:

- Matters relating to the decision-making process of the Council, e.g., Council, Cabinet, and committee meetings
- Representing the Council on an outside body
- Holding ward surgeries
- Meeting, communicating, and dealing with correspondence from residents, other Councillors, Officers, Government officials, MPs etc. in connection with Council business
- Matters for discussion by a political group of the Council, so long as it relates mainly to the work of the Council and not your political party or group

3. PRINCIPLES FOR USE OF RESOURCES

3.1 Councillors must be mindful of Council resources and must always seek to conduct business in the most cost-effective way. Councillors must have regard to the need to ensure prudent and reasonable use of resources and value for money.

Party political activities or individual campaigning **do not** form part of Council business and the Council's resources must **not** be used for these activities. This includes Council email addresses. The Council is prohibited by law from publishing any material which, in whole or in part, appears to be designed to affect public support for a political party or an individual Councillor.

Use of resources for the purpose of representing individuals or small groups of residents is acceptable. However, high volume use of resources including sending out circulars and conducting wide-scale consultation exercises is not acceptable, even though these may involve Council business.

In the interests of economy and the environment, Councillors are requested to use e-mail, or to hand-deliver, instead of using post wherever possible.

The Standards and Personnel Appeals Committee is responsible for oversight of use of resources.

SCHEDULE

4. IT EQUIPMENT

4.1 Each Councillor is provided with appropriate equipment for their full term of office. This currently consists of an iPad tablet device and keyboard.

4.2 On receipt of equipment, Councillors are required to confirm that they have read the Councillors' ICT Acceptable Use Guidance.

4.3 Technical support for the ICT equipment provided to Councillors by the Council is available through the Council's ICT helpdesk.

- 4.4 IT user training is available on request.
- 4.5 Councillors are required to return the supplied equipment if they cease to be a Councillor or at the end of their full term in office.

5. COUNCILLOR WEBPAGES

- 5.1 The Council's website includes contact details, photograph, committee memberships, attendance information, political affiliation, and register of interests.

6. SECURITY PASS

- 6.1 Each Councillor is issued with a photo security pass to be worn at all times when in the Council Offices.
- 6.2 Each card is individually programmed to provide access to particular areas in the Council Offices.
- 6.3 Each card is programmed to enable Councillors to scan, copy, and print from the multi-function devices situated around the Council Offices.

7. COUNCIL BUILDINGS AND ROOMS

- 7.1 Council buildings and rooms should only be used for the purpose of carrying out your role as a Councillor in relation to Council business.

This includes:

- Dealing with casework
- Meeting constituents or local partners
- Preparing for and attending Council meetings
- Meeting with Council Officers

8. INCOMING MAIL

- 8.1 Each Councillor has a pigeonhole/post tray located within relevant group areas, or within the Democratic Services Office, for Council paperwork or any incoming mail received by the Council.
- 8.2 Pigeonholes/post trays should be checked and items within collected regularly.
- 8.3 If Councillors are not expected to be at the Council Offices for some time, they should discuss any specific requirements with Democratic Services.

9. OUTGOING MAIL

- 9.1 In the interests of economy, Councillors are encouraged to use email or hand-deliver mail where possible.
- 9.2 Councillors who wish to send outgoing mail by post should hand the mail to Democratic Services.
- 9.3 The Council's pre-printed windowed envelopes **must** be used in order to enable mail to be processed in accordance with the Council's contractual arrangements with Royal Mail.
- 9.4 Unless there are exceptional circumstances, outgoing mail will be sent second class.

10. STATIONERY

- 10.1 A limited range of stationery is available from Democratic Services.
- 10.2 Stationery must not be adapted to include political logos.
- 10.3 The multi-function devices are regularly restocked with printer paper, Democratic Services should be contacted to re-stock, if necessary, rather than taking paper from other locations in the Council Offices.
- 10.4 Electronic versions of Councillor letterheads are available from Democratic Services.

11. PRINTING

- 11.1 Security passes enable Councillors to print, scan, and photocopy from the multi-function devices located around the Council Offices, including in the Members' Room. These are the only printing facilities available.
- 11.2 Councillors should be economical in their use of print.
- 11.3 Due to the costs associated with colour printing, Councillors should always print/copy in black and white unless colour is required to enable the document to be understood.
- 11.4 Each Councillor has a monthly print limit of £10, which is refreshed on the 1st of each month.

12. BUSINESS CARDS

- 12.1 Councillors can request a supply of 250 business cards through the Council's Communications Team.

13. CONFERENCES, SEMINARS AND TRAINING

- 13.1 Attendance at conferences, seminars, and training events for which a fee is payable or which will incur mileage or subsistence claims must be approved in advance by the Assistant Director - Democracy in accordance with the Members Development Policy and Members' Allowances Scheme.

14. CLOTHING

- 14.1 Members may occasionally be required to wear Council clothing such as Council branded coats, high visibility items, or other protective clothing when attending events or outside locations. In these circumstances, as set out within the Council's Provision of Corporate Clothing and Personal Protective Equipment Policy:

"Members will be provided with appropriate corporate clothing and PPE on an 'as needs' basis as required by the particular circumstances and duties/functions being undertaken. All items of corporate clothing and PPE issued to Members shall be returned to the Council upon completion of the relevant duty/function. This can be flexible, including single event use or longer-term use, such as a Member's term of office, as deemed appropriate."

- 14.2 Council branded clothing must not be worn for political campaigning or personal activities. Council branded clothing must only be worn at Council arranged events/photoshoots in relation to Council business.



Ashfield

DISTRICT COUNCIL

APPENDIX F

Members' Social Media Policy

Version: 4.0

Approved by Council: July 2023

1. INTRODUCTION

- 1.1. Social media is the term used for online tools, websites, and interactive media that enable users to interact with each other by sharing information, opinions, knowledge, and interests. This policy and guidelines cover social media issues over the internet and by email, smart phones, social networking sites, blogging, and tweeting.

Social media increases our access to audiences and improves the accessibility of our communication. It enables us to be more active in our relationships with citizens, partners, and stakeholders and encourages people to be involved in local decision making, enabling better engagement and feedback, and ultimately helping to improve the services we provide.

- 1.2. For the purposes of this policy, the term 'social media' covers sites and applications including but not restricted to Facebook, Twitter, Instagram, TikTok, YouTube, LinkedIn, blogs, discussion forums, wikis, and any sites which may emerge after the creation of this policy where Ashfield District Council could be represented via online participation.
- 1.3. Ashfield District Council acknowledges social media as a useful tool. However, clear guidelines are needed for the use of social media sites to ensure they are used effectively as part of a wider communications mix and that their use does not expose the Council to security risks, reputational damage, or breach the Data Protection Act.

2. POLICY STATEMENT

- 2.1. This policy provides a structured approach to using social media and will ensure that it is effective, lawful, and does not compromise Council information or computer systems/networks.

Users must ensure that they use social media sensibly and responsibly, in line with corporate policy. They must ensure that their use will not adversely affect the Council or its business, nor be damaging to the Council's reputation and credibility or otherwise violate any Council policies.

3. PURPOSE

- 3.1. This policy applies to Councillors and Co-Opted Members. It gives guidelines on how to use social media, sets out how we can effectively manage social media usage, and indicates how any risks or pitfalls can be minimised or mitigated. The following risks have been identified with social media use (this is not an exhaustive list):

- Virus or other malware (malicious software) infection from infected sites.
- Disclosure of confidential information.
- Damage to the Council's reputation.
- Social engineering attacks (also known as phishing).

- Bullying or ‘trolling’. An internet ‘troll’ is a person who starts arguments or upsets people by posting inflammatory or off-topic messages online with the deliberate intent of provoking readers into an emotional response or otherwise disrupting normal discussion, often for their own amusement.
- Civil or criminal action relating to breaches of legislation.
- Breach of safeguarding through the use of images or personal details leading to the exploitation of vulnerable individuals.
- Breach of the Members’ Code of Conduct through inappropriate use.

3.2. In light of these risks, the use of social media sites should be regulated to ensure that such use does not damage the Council, its employees, Councillors, partners, and the people it serves. As such this policy aims to ensure:

- A consistent and corporate approach is adopted and maintained in the use of social media.
- Council information remains secure and is not compromised through the use of social media.
- Users operate within existing policies, guidelines, and relevant legislation.
- The Council’s reputation is not damaged or adversely affected.

4. RESPONSIBILITIES OF COUNCILLORS

- 4.1. You are personally responsible for the content you 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 incur a libel action for which you will be personally liable.
- 4.2. Social media sites are in the public domain, and it is important to ensure you are confident of the nature of the information you publish. Once published, content is almost impossible to control and may be manipulated without your consent, used in different contexts, or further distributed.
- 4.3. Make use of stringent privacy settings if you do not want your social media to be accessed by the press or public. Read the terms of service of any social media site accessed and make sure you understand their confidentiality/privacy settings.
- 4.4. Do not disclose personal details such as home addresses and telephone numbers. Ensure that you handle any personal or sensitive information in line with the Council’s Data Protection Policy.
- 4.5. Safeguarding issues are paramount because social media sites are often misused by offenders. Safeguarding is everyone’s business – if you have any concerns about other site users, you have a responsibility to report these.
- 4.6. Do not publish or report on meetings which are private or internal (where no members of the public are present, or it is of a confidential nature), or exempt

reports (which contain confidential information or matters which are exempt under the provision of the Local Government (Access to Information) Act 1985).

- 4.7. Copyright laws still apply online. Placing images or text from a copyrighted source (e.g., extracts from publications or photos) without permission is likely to breach copyright. Avoid publishing anything you are unsure about or seek permission from the copyright holder in advance.
- 4.8. Do not send or post inappropriate, abusive, bullying, racist, or defamatory messages to members of the public, other Councillors, or officers either in or outside the work environment.
- 4.9. The Council will not promote Councillors' social media accounts during the pre-election period.
- 4.10. In any biography, the account should state the views are those of the Councillor in question and may not represent the views of the Council.
- 4.11. Do not use the Council's logo, or any other Council related material, on a personal account or website.
- 4.12. Social media must not be used for actions that would put Councillors in breach of the Members' Code of Conduct. For example, do not publish something on social media you would not say face to face, or at a public meeting.
- 4.13. Be aware of your own safety when placing information on the internet and do not publish information which could leave you vulnerable.
- 4.14. Anyone receiving threats, abuse, or harassment via their use of social media should report it to their political group leader, the Monitoring Officer, and/or the Police.
- 4.15. It is recommended that you have separate social media profiles for your role as a Councillor or Co-opted Member and your private life.

5. CONDUCT

- 5.1. Councillors are reminded that in respect of social media, they are governed by the Members' Code of Conduct and relevant law. You are acting in your 'official capacity' and any conduct may fall within the Code whenever:
 - You conduct the business of the Authority; or
 - You act as a representative of the Authority; or
 - 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 or as a representative of the Authority.
- 5.2. Breaches of this policy may amount to a breach of the Members' Code of Conduct.
- 5.3. Other violations of this policy, such as breaching the Data Protection Act, could lead to fines being issued and possible criminal or civil action being taken against the Council, or the individual(s) involved.

- 5.4. The Council reserves the right to request the removal of any content that is deemed to be in breach of the Members' Code of Conduct.

6. PRINCIPLES FOR USE OF SOCIAL MEDIA

- 6.1. You should follow these five guiding principles for any social media activities:

1. **Be respectful** – set the tone for online conversations by being polite, open, and respectful. Use familiar language, be cordial, honest, and professional at all times. Make sure that you respect people's confidentiality – do not disclose non-public information or the personal information of others.
2. **Be credible and consistent** – be accurate, fair, thorough, and transparent. Encourage constructive criticism and deliberation. Make sure that what you say online is consistent with your other communications.
3. **Be honest about who you are** – it is important that any accounts or profiles that you set up are clearly and easily identifiable. Be clear about your own personal role.
4. **Be responsive** – make an effort to share what you know. Offer insights where appropriate and put people in touch with someone who can help if you cannot. Respond to questions and comments in a timely manner.
5. **Be confident** – do not be scared of participating. Follow these rules and seek further guidance if you need it. If you are about to publish something that makes you even the slightest bit uncomfortable, pause to think about it. Feel confident in what you say before you say it – and say it as clearly as you can.

7. GUIDANCE ON CAPTURING SOCIAL MEDIA POSTS

- 7.1. Posts made using third party sites such as Facebook or Twitter are not held or within the control of the Council - posts can be deleted by site administrators without knowledge or consent of the Council. In exceptional circumstances, copies of posts may be made and retained by the Council, in line with relevant Council procedures. These copies will be held for a period dependent on the type of investigation they are subject to.
- 7.2. Where inappropriate use is suspected, it is suggested that you should pro-actively attempt to capture any inappropriate posts before they might be deleted. Copies should be made and reported to the Monitoring Officer within the Council, as well as following the social media sites own reporting procedures where appropriate.

8. RELATIONSHIP WITH OTHER COUNCIL POLICIES

- 8.1. The Members' Social Media Policy should be read in conjunction with:

- The Members' Code of Conduct which regulates the standards of conduct of elected members of Ashfield District Council. The Members' Code of Conduct also outlines the arrangements for investigating and deciding upon complaints against members.

EXAMPLES OF THE USE OF SOCIAL MEDIA

Can I comment/respond to questions posted on my social media page regarding general local issues?

Yes. The Members' Social Media Policy is not intended to restrict the use of social media, it is a guidance tool to make Councillors aware of the risks and pitfalls. Social media is an excellent method for Councillors to interact with members of the public and should be encouraged.

Can I comment/respond to questions posted on my social media page regarding upcoming Council matters such as licensing or planning applications?

Councillors can take a view and express opinions or concerns, however, they must not show bias or pre-determination. Councillors are reminded to remain impartial and open minded and listen to all the facts before coming to a decision. Evidence of any kind of bias or pre-determination could leave the decision open to challenge.

I find comments on my social media page posted by a third party insulting and/or confrontational. How should I respond?

If at all possible, do not respond at all. Internet 'trolls' are people who often try to antagonise public figures on purpose to get a reaction.

If it is clear that the person is a serious, concerned member of the public then a suitably non-confrontational reply may be appropriate. Remember that you remain a representative of the Council online and should not do or say anything that you would not do face-to-face or in a letter.

If the post is potentially defamatory or illegal, then it should be reported to the site administrators and/or the police.

I discover information that is incidental to my role as a Councillor (for example, information relating to a planning application). Can I disclose this information via social media?

Yes, however, you should take great care in doing so. Posting information obtained as a Councillor will be seen as you acting in your official capacity as a Councillor even if this is on your personal account. You should also remember that publishing anything regarding forthcoming or on-going decisions could be seen as pre-determination or bias. If the information is confidential then releasing the information may be a breach of the Members' Code of Conduct.

Someone has posted a racially aggravated comment on my social media page, what can I do? Can I be held liable?

As soon as you become aware of the comment you should inform the site administrator. If you are exclusively in charge of the site, you should consider reporting the comment to the Police. You should keep evidence of the post and then ensure it is taken down. Providing a Councillor takes reasonable care and reports the potential offence quickly they are unlikely to be held liable for someone else's breaches.

I publish a post on my social media page regarding a matter that I will be making a decision on (such as a planning or licensing application). As this is my personal social media page, do the rules for pre-determination and bias still apply?

Yes, they do. The Members' Social Media Policy also extends to personal social media pages where the content/comment relates to Council matters. Councillors should take care when publishing information regarding a Council matter as this may leave the decision open to challenge.

Do any special rules apply to social media posts and blogs during a local election period?

During an election period, Councillors should take particular care as legislation relating to electoral matters will apply to the online publication of electoral material or statements relating to the election. For example, if you publish a statement on your personal social media page regarding another candidate, the Representation of the People Act 1983 may apply. Under this legislation it is a criminal offence to make or publish a false statement of fact about the personal character or conduct of an election candidate.

What happens if I breach the Members' Social Media Policy?

It depends upon the nature of the breach. However, punishment for a serious breach of the Policy may lead to a code of conduct complaint or even personal liability or criminal charges.