

**SALISBURY**  
**CITY COUNCIL**



**DRAFT**

**Members' Code of Conduct**

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# Salisbury City Council

## Code of Conduct

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# Salisbury City Council

## Code of Conduct

This Code of Conduct is composed of a number of sections which together are the Code of Conduct of Salisbury City Council, all sections and sub-sections apply to the conduct of councillors in accordance with the Localism Act 2011 and will be taken into account when any complaints regarding councillors are considered by the Monitoring Officer.

### CODE OF CONDUCT – INTRODUCTION

#### Purpose

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, council officers and the reputation of Salisbury City Council and of local government generally. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and in local government.

#### Application of the Code

The Code of Conduct applies to you as soon as you sign your declaration of acceptance of office of councillor or attend your first meeting as a co-opted member and continues to apply when you cease to be a member.

This Code of Conduct applies 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 expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Wiltshire Council's Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the City Clerk on any matters that may relate to the Code of Conduct, they may refer matters to the Monitoring Officer.

## The Principles

You are a councillor or co-opted member of Salisbury City Council and hence you shall have regard to the following Seven Principles of Public Life. These, also known as the Nolan Principles, apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally and all people appointed to work in the Civil Service, local government, the police, courts and probation services, non-departmental public bodies (NDPBs), and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The Principles also apply to all those in other sectors delivering public services.

<b>Selflessness</b>	Holders of public office should act solely in terms of the public interest
<b>Integrity</b>	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 declare and resolve any interests and relationships
<b>Objectivity</b>	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias
<b>Accountability</b>	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
<b>Openness</b>	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
<b>Honesty</b>	Holders of public office should be truthful
<b>Leadership</b>	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 question their own behaviour and challenge poor behaviour wherever it occurs

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The principles are interpreted in further detail at Salisbury City Council as follows:

You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the following requirements of leadership and example. Accordingly, when acting in your capacity as a councillor or co-opted member:

You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, impartially, fairly and on merit, using the best evidence and without discrimination and bias.

You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

You must be as open as possible about your decisions and actions and the decisions and actions of Salisbury City Council , and should be prepared to give reasons for those decisions and actions.

You must be honest and truthful, ensuring that at all times you do not misrepresent the democratic decisions and actions of the council and you do not say or otherwise publish information that could denigrate councillors, officers, the council, or otherwise bring the council into disrepute.

You may not edit or assist or support others to edit, any film, recording or photographs of the proceedings of the Council and its committees in a way that could lead to misinterpretation of the proceedings. This includes editing an image or views expressed in a way that may ridicule or show a lack of respect towards those being photographed, recorded or filmed or supporting and assisting any others to do so.

You must not publish anything, including on social media which is inaccurate and untruthful or otherwise seek to portray the actions of the council in a way which fails to provide correct and accurate information. It is not acceptable under this Code of Conduct for you or anyone else to base any defence upon such material being the 'cut and thrust of political debate' or similar.

You must, when using or authorising the use by others of the resources of Salisbury City Council , ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

You should demonstrate leadership including actively promoting and robustly supporting the Seven Principles of Public Life and be willing to examine and questions your own behaviour and challenge poor behaviour wherever it occurs.

You must be professional in all your dealings and treat all those with whom you come into contact, with consideration and respect. Working relationships, including with officers and other councillors should be proper and appropriate. Harassing, bullying or other inappropriate or discriminating behaviour, wherever it takes place, is not consistent with the Code and will not be tolerated.

You shall never undertake any action which would cause significant damage to the reputation and integrity of Salisbury City Council as a whole, or of its members generally.

## **Code of Conduct - 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 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.

### **1. Respect**

#### **As a councillor:**

**1.1 I treat other councillors and members of the public with respect.**

**1.2 I treat council employees, employees and representatives of partner organisations and those volunteering for the 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. However, you should not 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 council, the relevant social media provider or the police. This also applies to fellow councillors, where action could be taken under this Code of Conduct, and employees, where concerns should be raised in line with the councillor/officer protocol (Part C).

## **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 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 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 council.**

Officers work for the council as a whole and must be politically neutral. 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 to 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; reasonable and in the public interest; made in good faith; in compliance with the reasonable requirements of the council; and 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.**

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

You are able to hold the council 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.

## **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 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 council resources and facilities**

**As a councillor:**

### **7.1 I do not misuse council resources.**

### **7.2 I will, when using the resources of the council or authorising their use by others:**

**a. act in accordance with the 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 council or of the office to which I have been elected or appointed.**

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, and computers

transport

access and use of 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 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 my 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 council or its governance. If you do not understand or are concerned about the council's processes in handling a complaint you should raise this with the Monitoring Officer.

Protecting your reputation and the reputation of the local authority

### **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 authority. You need to register your interests so that the public, local authority 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 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 Wiltshire Council's 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 local authority or from persons who may apply to the local authority 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 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 local 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. 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, do contact your Monitoring Officer for guidance

## CODE OF CONDUCT – COUNCILLOR AND OFFICER PROTOCOL

### 1. Introduction And Principles

**1.1.** The purpose of this Protocol is to guide councillors and officers (employees, including those who are required to give advice to councillors are referred to as “officers” throughout) in their relationship with one another and in approaching some of the sensitive circumstances which arise in a challenging environment. The aim is an effective and professional working relationships, with councillors and officers working together to support each other’s roles, characterised by mutual trust, respect and courtesy.

**1.2.** This Protocol is part of the Code of Conduct and is also part of the Employee Interests & Integrity Policy (or similar). A breach of the provisions of this Protocol may constitute a breach of the Code of Conduct and may constitute a breach of the Employee Interests and Integrity Procedure (or similar).

**1.3.** Local Government Association guidance on the 2020 model councillor Code of Conduct states:

*“Both councillors and officers are servants of the public and are indispensable to one another. Together, they bring the critical skills, experience and knowledge required to manage an effective local authority.*

*At the heart of this relationship, is the importance of mutual respect. councillor-officer relationships should be conducted in a positive and constructive way. Therefore, it is important that any dealings between councillors and officers should observe reasonable standards of courtesy, should show mutual appreciation of the importance of their respective roles and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.*

*Councillors provide a democratic mandate to the local authority and are responsible to the electorate whom they represent. They set their local authority’s policy framework, ensure that services and policies are delivered and scrutinise local authority services.*

*Chairs and vice chairs of committees have additional responsibilities. These responsibilities will result in increased expectations and relationships with officers that are more complex. Such councillors must still respect the impartiality of officers and must not ask them to undertake work of a party-political nature or compromise their position with other councillors or other officers.*

*Officers provide the professional advice, managerial expertise and information needed for decision making by councillors to deliver the policy framework agreed by councillors. They are responsible for implementing decisions of councillors and the day-to-day administration of the local authority.*

*The roles are very different but need to work in a complementary way.*

*It is important for both sides to respect these differences and ensure that they work in harmony. Getting that relationship right is an important skill. That is why the code requires councillors to respect an officer's impartiality and professional expertise. In turn officers should respect a councillor's democratic mandate as the people accountable to the public for the work of the local authority. It is also important for a local authority to have a councillor-officer protocol which sets out how this relationship works and what both councillors and officers can expect in terms of mutual respect and good working relationships."*

**1.4.** This Protocol covers:

- The respective roles and responsibilities of the councillors and the officer;
- Relationships between councillors and officers;
- Where/who a councillor or an officer should go to if they have concerns;
- Who is responsible for making decisions.

**1.5.** This Protocol should be read in conjunction with any guidance issued by the Monitoring Officer of Wiltshire Council.

## **2. Roles Of Councillors and Officers**

**2.1.** The respective roles of councillors and officers can be summarised as follows:

- Councillors and officers are servants of the public and they are indispensable to one and other but their responsibilities are distinct.
- Councillors are responsible to the electorate and serve only for their term of office.
- Officers are responsible to the council. Their job is to give advice to councillors and to the council and to carry out the council's work under the direction and control of the council and relevant committees.

**2.2.** A strong, constructive, and trusting relationship between councillors and officers is essential to the effective and efficient working of the council. The objective is to enhance and maintain the reputation and integrity (real and perceived) of Salisbury City Council and of local government generally.

**2.3.** At the heart of this Protocol are the importance of mutual respect and civility. Councillor/officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that dealings between councillors and officers should observe standards of courtesy and that they should not seek to take unfair advantage of their position nor seek to exert undue influence on the other.

**2.4.** Close personal relationships between councillors and officers can confuse their separate roles and get in the way of the proper conduct of council business, not least by creating a perception in others that a particular councillor or officer is getting preferential treatment. Special relationships with particular individuals can create suspicion that an officer favours that councillor above others.

**2.5.** Inappropriate relationships can be inferred from language. To protect Councillors and Officers, officers should address Councillors at formal meetings as Councillor xxx and Mr or Madam Mayor save where circumstances clearly indicate that a level

of informality is appropriate. Similarly, when addressing officers at formal meetings of the Council, councillors should address officers by their post title.

- 2.6.** In performing their role, officers will act professionally, impartially and with neutrality. Whilst officers will respect a councillor's view on an issue, the officer should not be influenced or pressured to make comments, or recommendations which are contrary to their professional judgement or views.

### **3. Councillors**

- 3.1.** Councillors have four main areas of responsibility:

- To determine council policy and provide community leadership.
- To monitor and review council performance in implementing policies and delivering services;
- To represent the council externally; and
- To act as advocates for their constituents.

- 3.2.** All councillors have the same rights and obligations in their relationship with the officer, regardless of their status and should be treated equally.

- 3.3.** Councillors should not involve themselves in the day to day running of the council.

This is the officers' responsibility, acting on instructions from the council or its committees, within an agreed job description. Officers can expect councillors:

- to give strategic leadership and direction and seek to further agreed policies and objectives with the understanding that councillors take the final decision on issues based on advice
- to act within the policies, practices, processes and conventions established by the council
- to work constructively in partnership with officers, acknowledging their separate and distinct roles and responsibilities
- to understand and support the respective roles and responsibilities of officers and their associated workloads, pressures and reporting lines
- to treat them fairly and with respect, dignity and courtesy
- to act with integrity, to give support and to respect appropriate confidentiality
- to recognise that officers do not work under the instruction of individual councillors or groups
- not to subject them to bullying, intimidation, harassment, or put them under undue pressure.
- to treat all officers, partners (those external people with whom the council works) and members of the public equally, and not discriminate based on any characteristic such as age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
- not to request officers to exercise discretion outside the council's policies and procedures

- not to authorise, initiate, or certify any financial transactions or enter into any contract, agreement or undertaking on behalf of the council or in their role as a councillor without proper and lawful authority
  - not to use their position or relationship with officers to advance their personal interest or those of others or to influence decisions improperly
  - to comply at all times with this Code of Conduct, the law, and such other policies, procedures, protocols and conventions agreed by the council.
  - respect the impartiality of officers and not to undermine their role in carrying out their duties
  - not to ask officers to work or act in a way which seeks to support or benefit a particular political party or gives rise to an officer being criticised for operating in a party-political manner
  - not to ask officers to exceed their authority where that authority is given
- 3.4.** Chairs and vice-chairs of council and committees have additional responsibilities. These responsibilities mean that they may have a closer working relationship with officers than other councillors. However, they must still respect the impartiality of officers and must not ask them to undertake work or anything else which would prejudice their impartiality.
- 3.5.** Individual councillors should not actively seek to undermine majority decisions of the corporate body, as this could bring them into conflict with officers who have been charged with promoting and implementing the council's collectively-determined course of action.
- 3.6.** Councillors should not raise matters relating to the conduct or capability of an officer, or of officers collectively, in a manner that is incompatible with this Protocol at meetings held in public or on social media. This is a long-standing tradition in public service. An officer has no means of responding to criticisms like this in public. A councillor who is unhappy about the actions taken by, or conduct of, an officer should:
- avoid personal attacks on, or abuse of, the officer at all times
  - ensure that any criticism is well founded and constructive
  - ensure that any criticism is made in private
  - take up the concern with the Chair

## **4. Officers**

- 4.1.** The role of officers is to advise, inform and support all members and to implement the agreed policies of the council. Officers must:
- implement decisions of the council and its committees which are lawful, which have been properly approved in accordance with the requirements of the law and are duly recorded. This includes respecting the decisions made, regardless of any different advice given to the council or whether the decision differs from the officer's view.
  - work in partnership with councillors in an impartial and professional manner



- treat councillors fairly and with respect, dignity and courtesy
  - treat all councillors, partners and members of the public equally, and not discriminate based on any characteristic such as age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
  - assist and advise all parts of the council. Officers must always act to the best of their abilities in the best interests of the authority as expressed in the council's formal decisions.
  - respond to enquiries and complaints in accordance with the council's standards protocol
  - be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for councillors, the media or other sections of the public.
  - act with honesty, respect, dignity and courtesy at all times
  - provide support and learning and development opportunities for councillors to help them in performing their various roles in line with the council's training and development policy
  - not seek to use their relationship with councillors to advance their personal interests or to influence decisions improperly
  - comply, at all times, with such policies or procedures approved by the council
- 4.2.** Officers have the right not to support councillors in any role other than that of councillor, and not to engage in actions incompatible with this Protocol.
- 4.3.** In advising councillors and presenting reports, it is the responsibility of the officer to express their own professional views and recommendations. An officer may report the views of individual councillors on an issue, but any recommendation should be the officer's own. If a councillor wishes to express a contrary view, they should not pressurise the officer to make a recommendation contrary to the officer's professional view, nor victimise an officer for discharging their responsibilities.
- 4.4.** An officer should not raise with a councillor matters relating to the conduct or capability of another councillor or officer or to the internal management of the council in a manner that is incompatible with the objectives of this Protocol.
- 4.5.** All councillors can expect:
- A commitment from officers to the council as a whole, and not to any individual councillor, group of councillors or political group;
  - A working partnership;
  - Officers to understand and support respective roles, workloads and pressures;
  - A timely response from officers to enquiries and complaints;
  - Officer's professional and impartial advice, not influenced by political views or personal preferences;
  - Timely, up to date, information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to individual responsibilities or positions that they hold;
  - Officers to be aware of and sensitive to the public and political environment locally;

- Respect, courtesy, integrity and appropriate confidentiality from officers and other councillors;
- Training and development opportunities to help them carry out their role effectively;
- Not to have personal issues raised with them by officers outside the council's agreed procedures;
- That officers will not use their contact with councillors to advance their personal interests or to influence decisions improperly.

**4.6.** Officers can expect from councillors:

- A working partnership;
- An understanding of, and support for, respective roles, workloads and pressures;
- Leadership and direction;
- Respect, courtesy, integrity and appropriate confidentiality;
- Not to be bullied or to be put under undue pressure;
- That councillors will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly;
- That councillors will at all times comply with the council's adopted Code of Conduct.

**4.7.** The Proper Officer (City Clerk) is the head of paid services and has line-management responsibility to all other staff. Communications should be made directly with the Proper Officer, unless it is agreed by the Proper Officer that such communications may take place directly with other officers over a particular matter.

**4.8.** The City Clerk has certain statutory roles which need to be understood and respected by councillors. Councillors must respect these statutory obligations, must not obstruct the City Clerk and other officers in the discharge of their responsibilities and must not victimise them for discharging their responsibilities.

**4.9.** Officers are accountable to their line manager and ultimately the City Clerk and whilst officers should always seek to assist councillors, they must not, in so doing, go beyond the bounds of whatever authority they have been given by their line manager or the City Clerk.

## **5. Meetings Of the Council**

**5.1.** Reports should always contain a recommendation unless the issue is clearly one where political judgement is required. They will also always include the name of the officer. Councillors should raise issues with that officer prior to the meeting if at all possible.

**5.2.** Chairs and councillors shall give officers the opportunity to present any report and give any advice the officer considers it is appropriate to give.

**5.3.** All councillors shall seek the advice of the City Clerk where they consider there is doubt about the power for a decision or where they consider a decision might be contrary to pre-determined policies of the Council.

## **6. Officer Support: Councillor and Party Groups**

- 6.1.** In discharging their duties and responsibilities officers serve the Council as a whole.
- 6.2.** The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photo-copying, transport etc.) to councillors is to assist them in discharging their role as councillors. Such support services must therefore only be used on council business. They should never be used in connection with party political or campaigning activity.
- 6.3.** The council recognises political groups and it is common practice for such groups to give preliminary consideration to matters of council business in advance of consideration by the council or committee. Meetings between the City Clerk and Chairs and/or group leaders will be held when appropriate albeit that they have no executive powers.
- 6.4.** Officers must demonstrate political impartiality and must not suppress professional advice due to political views. Any particular cases of difficulty or uncertainty in this area of officer advice should be raised with the City Clerk who will then discuss them with the relevant group leader(s).

## **7. Councillor Access To Information and To Council Documents**

- 7.1.** Councillors may ask for information pursuant to their legal rights. This right extends to such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as a councillor. This can range from a request for general information about some aspect of a department's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the relevant officer.
- 7.2.** The legal rights of councillors to inspect council documents are covered partly by statute and partly by the common law. The common law right of councillors is based on the principle that any councillor has a prima facie right to inspect council documents, so far as their access to the documents is reasonably necessary to enable the councillor properly to perform their duties as a councillor. This principle is commonly referred to as the "need to know" principle. The exercise of this common law right depends therefore upon the councillor's ability to demonstrate that they have the necessary "need to know". In this respect a councillor has no right to "a roving commission" to go and examine documents of the council. Mere curiosity is not sufficient.
- 7.3.** The crucial question is the determination of the "need to know". This question must be determined by the officer. In some circumstances (e.g. a committee member wishing to inspect documents relating to the functions of that committee) a councillor's "need to know" will normally be presumed. In other circumstances (e.g. a councillor wishing to inspect documents which contain personal information about third parties) a councillor will normally be expected to justify the request in specific terms.

- 7.4.** Any council information provided to a councillor must only be used for the purpose for which it was provided i.e. in connection with the proper performance of the councillor's duties as a councillor.
- 7.5.** Councillors have the same right as any other member of the public to make requests for information under the Freedom of Information Act 2000.
- 7.6.** Whilst the term 'council document' is very broad and includes, for example, any document produced with council resources, it is accepted by convention that a member of one party group will not have a 'need to know' and therefore, a right to inspect, a document which forms part of the internal workings of another party group.

## **8. Correspondence**

- 8.1.** Correspondence between an individual councillor and an officer should not normally be copied (by the officer) to another councillor. Where exceptionally it is necessary to copy the correspondence to another councillor, this should be made clear to the original councillor. A system of "silent copies" should not be employed. Acknowledging that the "BCC" system of e-mailing is used, it should be made clear in e-mails if another councillor has received an e-mail by adding "CC councillor X."
- 8.2.** Official letters or emails on behalf of the council should normally be sent by an officer, rather than by a councillor. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter or email to appear over the name of the chair, but this should be the exception rather than the norm. Letters or emails which, for example, create obligations or give instructions on behalf of the council should never be sent out in the name of a councillor.
- 8.3.** Correspondence to individual councillors from officers should not be sent or copied to complainants or other third parties if they are marked "confidential". Officers should seek to make clear what is to be treated as being shared with the councillor in confidence and why that is so.

## **9. Publicity, Press And Media**

- 9.1.** Councils are accountable to their electorate. Accountability requires local understanding. This will be promoted by the council, explaining its objectives and policies to the electors and customers. Councils use publicity to keep the public informed and to encourage public participation. The council needs to tell the public about the services it provides. Good effective publicity should aim to improve public awareness of the council's activities. Publicity is a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant.
- 9.2.** An officer may respond to press enquiries but should confine any comments to the facts of the subject matter and the professional aspects of the function concerned. On no account must an officer expressly or impliedly make any political opinion, comment or statement.

- 9.3. Any press release that may be necessary to clarify the council's position in relation to disputes, major planning developments, court issues or individuals' complaints should be approved by the City Clerk.
- 9.4. The Chair, Leader (or chair of a committee) may act as spokesperson for the council in responding to the press and media and making public statements on behalf of the council but should liaise with the officer on all forms of contact with the press and media. The council may also appoint individual councillors as spokespeople where there is an area of particular expertise but this should only be done with the agreement of the council or a committee.
- 9.5. The council must comply with the provisions of the Local Government Act 1986 ("the Act") regarding publicity. All media relations work will comply with the Code of Practice for Local Government Publicity and the council's policy. The Code is statutory guidance and the council must have regard to it and follow its provisions when making any decision on publicity.
- 9.6. Particular care should be given to publicity around the time of an election. The LGA has produced useful guidance - <https://www.local.gov.uk/publications/short-guide-publicity-during-pre-election-period>
- 9.7. For more detailed information and guidance regarding the role of councillors in connection with the use of social media, reference should be made to the council's relevant policy.

## **10. If Things Go Wrong**

- 10.1. From time to time the relationship between councillors and officers may break down or become strained. Whilst it is always preferable to resolve matters informally, the council has a grievance procedure.
- 10.2. Wiltshire Council's Monitoring Officer may be able to offer a mediation/conciliation role or it may be necessary to seek independent advice. The Chair should not attempt to deal with grievances or work related performance or line management issues on their own. The council should delegate authority to a small group of councillors to deal with such matters.
- 10.3. If an officer feels that they have not been properly treated with respect and courtesy by a councillor, they should raise the matter with the City Clerk. The City Clerk will take appropriate action by approaching the councillor and/or Group Leader or by referring the matter to the Monitoring Officer as a complaint. Where the matter relates to a formal written complaint alleging a breach of the councillors' Code of Conduct the matter must be referred to the Monitoring Officer in line with the Localism Act 2011. The council may however try to resolve any concerns informally before they become a formal written allegation.
- 10.4. If a councillor is dissatisfied with the conduct, behaviour or performance of an officer the matter should be reported in line with the relevant policy. If the matter cannot be resolved informally, it may be necessary to invoke the council's disciplinary procedure.

## **11. Councillors In Their Ward Role and Officers**

- 11.1.** Whenever a public meeting is organised by the Council to consider a local issue, all the members representing the ward or wards affected will as a matter of course, be invited to attend the meeting. Whenever the Council undertakes any form of consultative exercise on a local issue, the ward members will be notified in advance.
- 11.2.** Should councillors or residents convene a meeting, officer attendance will be at the direction of the council or at the discretion of the City Clerk and will take account of the purpose of the meeting.
- 11.3.** In all circumstances, the role of officers at such meetings is to provide information on the topic under consideration and any decision making process which might be relevant, but not to offer or share judgements. Officers will seek to assist in the effective engagement of the community but will be mindful at all times of the integrity of the formal decision making process.
- 11.4.** Councillors attending local consultation meetings, which may on occasion give rise to heated debate, should be mindful of the restrictions on the responses available to officers and both officers and councillors should act at all times in accordance with this Code of Conduct.

## **GUIDANCE ON REGISTERING & DECLARING PECUNIARY & NON-PECUNIARY INTERESTS**

### **Statutory Interests**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of local councillors. When acting in your capacity as a member or co-opted member; you must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties, and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out below.

You must, within 28 days of taking office as a member or co-opted member, notify Wiltshire Council's Monitoring Officer\* of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living as a husband or wife, or as if you were civil partners.

If an interest has not been entered onto the register you must disclose the interest to any meeting of Salisbury City Council at which you are present, where you have a disclosable interest in any matter being considered and where the matter is not a sensitive interest. Following any disclosure of an interest which is not on the register or the subject of pending notification, you must notify Wiltshire Council's Monitoring Officer\* of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a disclosable pecuniary interest as defined by regulations made by the Secretary of State.

You must not participate in a discussion or vote in a matter to be considered at a meeting if you have any interest, whether registered or not, if a member of the public with knowledge of the relevant facts would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision making in relation to that matter.

If you have any doubts about whether you are required to declare an interest, you are advised to declare it to avoid further questions arising about the possibility of an interest.

*\*This information will be published on Wiltshire Council's web-site ([Councillors Interests](#)).*

Further information is available here on Wiltshire Council's website

<https://cms.wiltshire.gov.uk/mgGeneric.aspx?MD=ParishDeclarationofInterest>