

# PART 5 - CODES AND PROTOCOLS

(Last revised March 2021)

## CONDUCT OF MEMBERS

### CODE OF CONDUCT FOR COUNCILLORS

#### Preamble

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

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

#### Definitions

For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint subcommittee 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".

For the purposes of this Code of Conduct, "local authority" includes Harrogate Borough Council and all parish and town councils in the Harrogate District.

#### General principles of councillor conduct

Everyone in public office at all levels should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles. This includes all who serve the public or deliver public services including:

- ministers

- civil servants
- councillors
- local authority officers

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in councillors, on all occasions councillors must:

- 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, individuals must:

- impartially exercise their responsibilities 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 local authority's requirements and in the public interest.

## **Application of the Code of Conduct**

This Code of Conduct applies to councillors as soon as they sign their declaration of acceptance of the office of councillor or attend their first meeting as a co-opted member. It continues to apply to them until they cease to be a councillor.

This Code of Conduct applies to councillors when they are acting in their capacity 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.

Councillors are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

The Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and councillors are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

## **Standards of councillor conduct**

This section sets out councillors' obligations, which are the minimum standards of conduct required of councillors. Should a councillor's conduct fall short of these standards, a complaint may be made against the councillor, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

### **General Conduct**

#### **1. Respect**

##### **Councillors must:**

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

**1.2 treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with personal respect and respect for 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.

Councillors may express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. Councillors should not, however, subject individuals, groups of people or organisations to personal attack.

When in contact with members of the public, councillors should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, councillors have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening, councillors are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the councillor and officer protocol.

#### **2. Bullying, harassment and discrimination**

##### **Councillors must:**

**2.1 not bully any person.**

**2.2 not harass any person.**

**2.3 promote equalities and 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. These are defined as 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 local authority'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**

#### **3.1 Councillors must not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local 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.

### **4. Confidentiality and access to information**

#### **4.1 Councillors must not disclose information:**

- a. given to them in confidence by anyone**
- b. acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - i. they have received the consent of a person authorised to give it;**
  - ii. they are required by law to do so;**

- iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
- iv. the disclosure is:
  - 1. reasonable and in the public interest; and
  - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and
  - 3. the councillor has consulted the Monitoring Officer prior to its release.

**4.2 Councillors must not improperly use knowledge gained solely as a result of their role as a councillor for the advancement of themselves, their friends, their family members, their employer or their business interests.**

**4.3 Councillors must not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. Councillors should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## **5. Disrepute**

**5.1 Councillors must not bring their role or local authority into disrepute.**

Councillors are trusted to make decisions on behalf of their community and their actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. Councillors should be aware that their actions might have an adverse impact on them, other councillors and/or the local authority and may lower the public's confidence in the councillor's or the local authority's ability to discharge their/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring the local authority into disrepute.

Councillors are able to hold the local 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.

## **6. Use of position as a councillor:**

**6.1 Councillors must not use, or attempt to use, their position improperly to the advantage or disadvantage of themselves or anyone else.**

**6.2 Councillors must not take part in the scrutiny of any decision they have been involved in making – except that they may provide evidence or opinion to those undertaking any scrutiny process.**

A councillor's position as a member of the local authority provides them with certain opportunities, responsibilities and privileges, and they make choices all the time that will impact others. However, councillors should not take advantage of these opportunities to further their or others' private interests or to disadvantage anyone unfairly.

## **7. Local authority resources and facilities**

### **7.1 Councillors must not misuse council resources.**

### **7.2 Councillors must, when using the resources of the local or authorising their use by others:**

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

Councillors may be provided with resources and facilities by the local authority to assist them in carrying out their 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 councillors to help them carry out their 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 local authority's own policies regarding their use.

## **8. Complying with the Code of Conduct**

**Councillors must:**

- a. undertake Code of Conduct training provided by the local authority.**
- b. cooperate with any Code of Conduct investigation and/or determination.**
- c. not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**
- d. comply with any sanction imposed following a finding that they have breached the Code of Conduct.**

It is extremely important for all councillors to demonstrate high standards, for all councillors to have their actions open to scrutiny and for all councillors not to undermine public trust in the local authority or its governance. If a councillor does not understand or is concerned about

the local authority's processes in handling a complaint they should raise this with the Monitoring Officer.

More particularly where a complaint has been made against a councillor then the councillor shall: cooperate with the Monitoring Officer in consideration of the complaint at the initial stage; cooperate with any investigating officer; cooperate with the Monitoring Officer during preparation of the report to a Standards Panel of the General Purposes Committee; attend the meeting of the Standards Panel of the General Purposes Committee at which the report of the Monitoring Officer is to be considered and answer questions put by the Panel.

Any councillor who has made a complaint against another councillor shall cooperate fully with the Monitoring Officer to bring forward the complaint expeditiously; not give or make any statement concerning the existence of the complaint, the subject matter of the complaint, or details of the complaint either to the press or other media, or to the general public or their own political group or party except that disclosure to a political group or party on the Council may be made confidentially if, and only if, the complaint involves a member of the same political group or party as the complainant provided that that councillor reasonably believes the complaint is so serious that it reflects on their political group or party on the Council.

Every councillor has an obligation to report lapses in the high standards expected of councillors to their Group Leader and the Monitoring Officer. All Group Leaders have an obligation to speak to the Monitoring Officer as soon as they hear of any lapse in the standard of a councillor's conduct.

The political group on the Council of which a councillor, against whom a complaint has been made to the Monitoring Officer, is part, may consider and take disciplinary action against that councillor in advance of any decision of the Standards Panel IF:-

- a) they are instructed so to do by their party organisation nationally; or
- b) they are instructed so to do by the Ward organisation of the councillor concerned or by the Ward organisation of any other councillor of the same political group; or
- c) the political group on the Council consider it necessary or expedient to uphold the good name or discipline of their political group or party or the Council.

If a political group of the Council gives notice to its members that it intends to consider whether to take disciplinary action or intends to take disciplinary action against one of its members then no Councillor who is a member of the Standards Panel shall take part in any discussion or decision of their political group on the issue and shall absent themselves from any meeting during such discussion or decision making as if they had a disclosable pecuniary interest in the matter and the political groups of the Council shall make every effort to assist their members on the Standards Panel in this.

## **Protecting Councillors' reputations and the reputation of the local authority**

### **9. Interests**

#### **9.1 All councillors must register and disclose their 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.

Councillors need to register their interests so that the public, local authority employees and fellow councillors know which of each councillor's 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 councillors by allowing councillors to demonstrate openness and a willingness to be held accountable.

Councillors are personally responsible for deciding whether or not they should disclose an interest in a meeting, but it can be helpful for a councillor 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 a councillor 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.

Councillors 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, councillors should always seek advice from the Monitoring Officer.

## **10. Gifts and hospitality**

### **All councillors must:**

**10.1 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 their 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 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 must register with the Monitoring Officer any significant gift or hospitality that a councillor has been offered but has been refused.**

In order to protect councillors' positions and the reputation of the local authority, councillors should exercise caution in accepting any gifts or hospitality which are (or which councillors reasonably believe to be) offered to them because they 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 councillors could accept it but must ensure it is publicly registered.



Councillors do not need to register gifts and hospitality which are not related to their role as a councillor, such as Christmas gifts from friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with duties as a councillor. If councillors are unsure, they should contact the Monitoring Officer for guidance.

## **Appendices**

### **Appendix A – The Seven Principles of Public Life**

The principles are:

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## Appendix B – Registering Interests

Within 28 days of becoming a councillor or re-election or re-appointment to office, councillors must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”.

Councillors should also register details of their other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

**“Disclosable pecuniary interest”** means an interest of the councillor, or of their partner if they are aware of their partner's interest, within the descriptions set out in Table 1 below.

**“Partner”** means a spouse or civil partner, or a person with whom the councillor is living as husband or wife, or a person with whom the councillor is living as if they are civil partners.

1. Councillors must ensure that their register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where a councillor has a ‘sensitive interest’ they must notify the Monitoring Officer with the reasons why they believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of a councillor's Disclosable Pecuniary Interests as set out in **Table 1**, that councillor must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation. If it is a ‘sensitive interest’, the councillor does not have to disclose the nature of the interest, just state that the councillor has an interest and then leave the room. Dispensations may be granted in limited circumstances, to enable councillors to participate and vote on a matter in which they have a disclosable pecuniary interest.
5. Where a councillor has a disclosable pecuniary interest on a matter to be considered or is being considered by the councillor as a Cabinet member in exercise of their executive function, the councillor 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.

6. Where a councillor has a disclosable pecuniary interest as defined in any matter which is the subject of discussion at a meeting of the political grouping of which that councillor is a part then the interest shall be declared at the group meeting as if it were a formal meeting of the Council and the councillor shall leave the meeting during discussion of the matter.

### **Disclosure of Other Registerable Interests**

7. Where a matter arises at a meeting which **directly relates** to one of a councillor's other Registerable Interests (as set out in Table 2), the councillor must disclose the interest. The councillor may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless the councillor has been granted a dispensation. If it is a 'sensitive interest', the councillor does not have to disclose the nature of the interest.

### **Disclosure of Non- Registerable Interests**

8. Where a matter arises at a meeting which **directly relates** to a councillor's financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, the councillor must disclose the interest. The councillor may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation. If it is a 'sensitive interest', the councillor does not have to disclose the nature of the interest.

9. Where a matter arises at a meeting which **affects** –

- a. a councillor's own financial interest or well-being;
- b. a financial interest or well-being of a councillor's friend, relative, close associate; or
- c. a body included in those a councillor needs to disclose under

Disclosable Pecuniary Interests as set out in **Table 1**

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

10. Where a matter **affects** a councillor's financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect the councillor's view of the wider public interest

the councillor may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', the councillor does not have to disclose the nature of the interest.

11. A Cabinet Member is deemed to have an interest in relation to any matter within their portfolio where the decision of the individual Cabinet Member is required and the matter arises in their wards or the matter arises in an adjoining ward and will significantly affect the Cabinet Member's ward whether the effect is beneficial or adverse. The Cabinet Member shall so notify the Leader of the Council in accordance with these and the Executive Procedure Rules so that a substitute or deputy can be appointed to make or be involved in making any decision affecting the Cabinet Member's Ward.

12. Cabinet Members shall not make nor be involved in making any decision in relation to their ward unless the decision is being made by Cabinet, when they shall be entitled to take part in the meeting and vote.

13. Where a Cabinet Member is precluded from making or being involved in making a decision because of an interest arising they shall still be entitled to exercise their rights as the Ward Member under the opportunity to speak scheme.

### **Legal Advice on Interests**

14. Where a councillor has sought advice from a legal officer of the authority relating to whether to declare an interest and the officer has advised that an interest does exist under these rules the councillor will be expected to act on that advice.

15. If a councillor fails to act on such advice then the legal officer shall inform the Monitoring Officer who shall consider whether a case exists for further investigation under the code of conduct complaint procedures.

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	<p>Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses.</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.</p>
<b>Contracts</b>	<p>Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council</p> <p>—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.</p>

<b>Land and Property</b>	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
<b>Licenses</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
<b>Corporate tenancies</b>	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
<b>Securities</b>	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

\* 'director' includes a member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

## **Table 2: Other Registerable Interests**

For the purposes of this Code of Conduct 'other interests' which must be included in the Register of Interests include membership of or a position of general control or management in any:-

- (a) body to which you have been appointed or nominated by the authority as its representative.
- (b) public authority or body exercising functions of a public nature;
- (c) body directed to charitable purposes;
- (d) body whose principal purposes include the influence of public opinion or policy; (membership of a political party should be declared under this heading)
- (e) trade union or professional association.
- (f) the name and address of any person or body from whom you have received a gift or hospitality with an estimated value of at least £50 in the course of your work as a Councillor – private gifts or hospitality do not need to be recorded.

Revised:  
General Purposes Committee – 28 January 2021  
Council – 3 March 2021



# APPENDIX 1

## **ARRANGEMENTS FOR DEALING WITH STANDARDS ALLEGATIONS UNDER THE LOCALISM ACT**

### **1 Introduction and Context**

Harrogate Borough Council and the Parish Councils within the District have a shared legal responsibility to promote and maintain high standards of conduct by members and co-opted members of their authority.

Harrogate Borough Council's approach to investigating complaints will be proportionate to the seriousness of the complaint and Harrogate Borough Council will, in particular, seek to ensure informal resolution of such complaints wherever possible.

These "Arrangements" set out how you may make a complaint that an elected or co-opted member of this authority [or of a parish council within its area] has failed to comply with the authority's Code of Conduct, and sets out how the authority will deal with allegations of a failure to comply with the authority's Code of Conduct.

Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place "arrangements" under which allegations that a member or co-opted member of the authority [or of a parish council within the authority's area], or of a Committee or Sub-Committee of the authority, has failed to comply with that authority's Code of Conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the authority to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a member [or a member or co-opted member of a parish council] against whom an allegation has been made.

### **2 The Code of Conduct**

The Council had adopted a Code of Conduct for members, which can be found in Part 5 of the Council's constitution and is available for inspection on the authority's website and on request from Reception at the Civic Offices. [Each Parish Council is also required to adopt a Code of Conduct. If you wish to inspect a Parish Council's Code of Conduct, you should inspect any website operated by the Parish Council or request the Parish Clerk to allow you to inspect the Parish Council's Code of Conduct].

### **3 Making a complaint**

If you wish to make a complaint, please write to:

“The Monitoring Officer  
Legal & Governance  
PO Box 787  
Harrogate HG1 9RW

Or email: [jennifer.norton@harrogate.gov.uk](mailto:jennifer.norton@harrogate.gov.uk)

The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of members’ interests and who is responsible for administering the system in respect of complaints of member misconduct. In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the model complaint form, which can be downloaded from the authority’s website, next to the Code of Conduct, and is available on request from Reception at the Civic Offices.

When setting out your complaint you should explain which of the 13 paragraphs of the Code of Conduct you believe has been breached. The paragraphs are set out above under the heading PART 1 General Provisions.

Please do provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the member against whom you make the complaint, without your prior consent. The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

The Monitoring Officer will endeavour to acknowledge receipt of your complaint within five working days of receiving it, and will keep you informed of the progress of your complaint.

### **4 Will your complaint be investigated?**

The Monitoring Officer will review every complaint received and may, after consultation with the Independent Person, decide whether it merits formal investigation. This decision will normally be taken within 14 days of receipt of your complaint. Where the Monitoring Officer has taken a decision, he/she will inform you of his/her decision and the reasons for that decision.

Where he/she requires additional information in order to come to a decision, he/she may come back to you for such information, and may request information from the member against whom your complaint is directed.  
[Where your complaint relates to a Parish Councillor, the Monitoring Officer

may also inform the Parish Council or your complaint and seek the views of the Parish Council before deciding whether the complaint merits formal investigation].

The Monitoring Officer may decide not to investigate your complaint if he/she decides it is inappropriate to do so; among the reasons for taking this decision are:

- (i) the potential seriousness of the alleged breach (if true)
- (ii) the likely cost of an investigation in time and other resources
- (iii) that there is insufficient evidence of a Breach of the relevant Code of Conduct
- (iv) the matters detailed in the complaint fall outside the terms of the Localism Act 2011 and/ or the relevant Code of Conduct
- (v) other actions either to remedy the complaint or prevent its re-occurrence (such as reference to the relevant Parish Clerk) or an informal resolution is seen as more appropriate
- (vi) the Member is no longer a serving member of the relevant Council (other than referring a potentially criminal matter to the Police)
- (vii) whether the complaint is anonymous - the Council will not normally investigate anonymous complaints unless there is a clear public interest in doing so
- (viii) the passage of time - if the complaint happened so long ago that there would be little benefit in taking action now
- (ix) the complaint is one that the Monitoring Officer believes has been (or largely has been) determined before
- (x) any other circumstances bearing upon the public interest including the Council's stated wish to keep the bureaucracy associated with its standards responsibilities to a minimum.

The Monitoring Officer will consult the Independent Person at this stage and in those circumstances must take their opinion into account before deciding whether or not to nominate an investigating officer.

An investigating officer will normally be a Harrogate Borough Council member of staff but in certain circumstances where the Monitoring Officer believes it expedient and appropriate to do so he may request an external investigation.

If at this stage or at any point during an investigation it appears likely to him that a criminal offence has been committed the Monitoring Officer may refer the matter to the Police or such other regulatory agencies as the Monitoring

Officer considers appropriate and, if necessary, halt the investigation pending their consideration and/or criminal proceeding.

## **5 How is the investigation conducted?**

If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer, who may be another officer of the authority, an officer of another authority or an external investigator. The Investigating Officer will decide whether he/she needs to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

The Investigating Officer would normally write to the member against whom you have complained and provide him/her with a copy of your complaint, and ask the member to provide his/her explanation of events, and to identify what documents he needs to see and who he needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the member, or delay notifying the member until the investigation has progressed sufficiently.

At any time during the investigation, the Monitoring Officer may conclude that it should be discontinued for any of the reasons set out in paragraph 4 above.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

## **6 What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?**

The Monitoring Officer will review the Investigating Officer's report and, if he is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the member concerned [and to the Parish Council, where your complaint relates to a Parish Councillor], notifying you that he is satisfied that no further action is required, and give you both a copy of the Investigating Officer's final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly or feels that there

are matters requiring further clarification, he may ask the Investigating Officer to reconsider his/her report.

## **7 What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?**

The Monitoring Officer will review the Investigating Officer's report in the same way as in paragraph 6 above and will then either send the matter for local hearing before the Hearing Panel or, after consulting the Independent Person, seek local resolution.

### **7.1 Local Resolution**

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action the authority. If the member complies with the suggested resolution, the Monitoring Officer may report the matter to the General Purposes Committee in respect of a breach of the Borough Council Code [and the Parish Council in respect of a breach of a Parish Council Code] for information, but will take no further action. However, if you tell the Monitoring Officer that any suggested resolution would not be adequate, the Monitoring Officer will give further consideration to referring the matter for a local hearing and may take the Independent Person's view into account in making that decision. However, the decision as to whether the matter should proceed to a hearing is for the Monitoring Officer, who will exercise his discretion reasonably.

### **7.2 Local Hearing**

If the Monitoring Officer considers that local resolution is not appropriate, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel which will conduct a local hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

The Council has agreed a procedure for local hearings, which is attached as Appendix 4 to these arrangements.

Essentially, the Monitoring Officer will conduct a “pre-hearing process” requiring the member to give his/her response to the Investigating Officer’s report. In order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chair of the Hearings Panel may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Hearings Panel. Both the complainant and a member has a right to be accompanied and/or represented at the hearing. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Hearings Panel as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

If the Hearings Panel, with the benefit of any advice from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct, and so dismiss the complaint. If the Hearings Panel concludes that the member did fail to comply with the Code of Conduct, the Chair will inform the member of this finding and the Hearings Panel will then consider what action, if any, the Hearings Panel should take as a result of the member’s failure to comply with the Code of Conduct. In doing this, the Hearings Panel will give the member an opportunity to make representations to the Panel and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

## **8 Who are the Hearings Panel?**

The Hearings Panel is a panel of the Council’s General Purposes Committee. The General Purposes Committee has decided that it will comprise a maximum of three members of the Committee.

The Independent Person is invited to attend all meetings of the Hearings Panel and their views are sought and taken into consideration before the Hearings Panel takes any decision on whether the member’s conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

## **9 Who is the Independent Person?**

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of Council.

A person cannot be “independent” if he/she:

- 9.1 Is, or has been within the past five years, a member, co-opted member or officer of the authority, with the exception that former Independent Members of Standards Committees can be appointed as Independent Persons;
- 9.2 (Is or has been within the past five years, a member, co-opted member or officer of a parish council within the authority's area), or
- 9.3 Is a relative, or close friend, of a person within paragraph 9.1 or 9.2 above. For this purpose, "relative" means:
- 9.3.1 Spouse or civil partner;
- 9.3.2 Living with the other person as husband and wife or as if they were civil partners;
- 9.3.3 Grandparent of the other person;
- 9.3.4 A lineal descendant of a grandparent of the other person;
- 9.3.5 A parent, sibling or child of a person within paragraphs 9.3.1 or 9.3.2;
- 9.3.6 A spouse or civil partner of a person within paragraphs 9.3.3, 9.3.4 or 9.3.5; or
- 9.3.7 Living with a person within paragraphs 9.3.3, 9.3.4 or 9.3.5 as husband and wife or as if they were civil partners.

## **10 Contact details for Independent Person**

The Council has appointed the following Independent Persons:-

Alan Mitcheson: (Telephone: 07702 722931) until 14 July 2021

Linda Owen: (Email: [lcmowen610@gmail.com](mailto:lcmowen610@gmail.com)) until 8 December 2022

The Independent Person's role is as set out in the Localism Act and this Constitution. The Authority must consult the Independent Person in certain circumstances and may do in others and the subject of a complaint may do so. There is no statutory provision for contact between a complainant or potential complainant and the Independent Person and it is important that all concerned recognise and respect the independence of the person appointed to this role. In particular, whilst the Independent Person is a source of advice, they will not express an opinion on any particular complaint, unless and until it reaches a Hearings Panel.

## **11 What happens at the end of the hearing?**

At the end of the hearing, the Chair will state the decision of the Hearings Panel as to whether the member failed to comply with the Code of Conduct and as to any actions which the Hearings Panel resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel, and send a copy to you, to the member (and to the Parish Council), make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

The decision notice will include a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the Hearing Panel, and any sanction applied.

## **12 What action can the Hearings Panel take where a member has failed to comply with the Code of Conduct?**

The Council has delegated to the Hearings Panel such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Hearings Panel may:-

- 12.1 Censure or reprimand the member;
- 12.2 Publish its findings in respect of the member's conduct;
- 12.3 Report its findings to Council (or to the Parish Council) for information;
- 12.4 Recommend to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- 12.5 Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- 12.6 Recommend to Council that the member be replaced as Executive Leader;
- 12.7 Instruct the Monitoring Officer to [or recommend that the Parish Council] arrange training for the member;
- 12.8 Remove (or recommend to the Parish Council that the member be removed) from all outside appointments to which he/she has been appointed or nominated by the authority (or by the Parish Council);



- 12.9 Withdraw (or recommend to the Parish Council that it withdraws) facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- 12.10 Exclude (or recommend that the Parish Council exclude) the member 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 above list is not exhaustive, however, the Hearings Panel has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

### **13 Publication and Exempt Information**

As explained above once the investigation is complete a final report is issued.

Where the Investigating Officer finds that there has not been a breach of the code of conduct, the Monitoring Officer will inform the complainant, the (parish) councillor and the parish council clerk (in the case of a complaint against a parish councillor) in writing. The (parish) councillor will be asked if they agree to the publication of the outcome. If the (parish) councillor does not agree then details of the complaint will remain confidential but the nature of the complaint & its outcome will be reported anonymously to the Council's General Purposes Committee in the annual report on standards complaints.

Where the Investigating Officer finds that there has been a breach of the code of conduct then the Monitoring Officer will, if appropriate, (and having consulted the Independent Person) facilitate a local resolution. If a local resolution is achieved then the Monitoring Officer will inform the complainant, the (parish) councillor and the parish council (in the case of a complaint against a parish councillor) in writing. In determining whether to publish the outcome of the local resolution, the Monitoring Officer will consider the nature of the allegation(s); any information already in the public domain; where relevant, the proximity of any election; the effect of publication on the subject member; the views of the parties; and the public interest. In any event the nature of the complaint & its outcome will be reported anonymously to the Council's General Purposes Committee in the annual report on standards complaints

If a local resolution is not achieved and the matter is referred to a Panel Hearing then this will be a public meeting unless there are legitimate reasons for holding all or part of the hearing in private. Such legitimate reasons may include where there is confidential information about an individual including multiple allegations made against a (parish) councillor, some of which were found by the Investigating Officer not to be proven nor amount to a breach of the code but where others were so proven and found and are subject to a Panel Hearing but it is not possible to separate the two categories by redacting the investigation report.

Investigation Reports will not be published ahead of Panel Hearing as one of the first items of business for the Panel will be to decide whether, in all the

circumstances of the case, the public interest in maintaining the exemption from disclosure of the report outweighs the public interest in disclosing the information. Transparency presumes that the hearing will be in public to the extent that this can be managed without detriment to a fair hearing. If it decides to maintain the exemption then the hearing will be held in private. If not it will be held in public.

#### **14. Revision of these arrangements**

The Council may by resolution agree to amend these arrangements, and has delegated to the Chair of the Hearings Panel the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

#### **15 Appeals**

There is no right of appeal for you as complainant or for the member against a decision of the Monitoring Officer or of the Hearings Panel.

If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

# APPENDIX 2

## **LOCALISM ACT 2011 - PROCEDURE AT PANEL HEARINGS OF THE GENERAL PURPOSES COMMITTEE**

At the Hearing the Panel will consider the matter in four stages:

- The findings of fact set out in the investigating officer report focussing especially on those issues still in dispute and the responses of the member to those findings.
- Whether there has been a breach of the Code of Conduct.
- If the member has not failed to follow the Code, any recommendations it would wish to make to the Council or Parish Council arising from the hearing.
- If the member has failed to follow the Code, whether a penalty would be appropriate.

### **A. Preliminary Matters and Participants**

1. The Chair will make introductions and explain the procedure to be followed to those present. The panel will consider whether the public should be excluded from the hearing. Any declarations of interest from members present will be taken. Any preliminary issues not resolved through the pre-hearing process will be considered.
2. The panel may take advice from its legal adviser at any time during the hearing or when they are considering the outcome. The substance of any legal advice given to the panel should be shared with the member and the investigating officer if they are present.
3. The member may attend the hearing. The panel may proceed in his or her absence. The complainant need not attend. The investigating officer may attend and answer questions of the panel.
4. So far as possible, the hearing will consider only evidence submitted in writing before the hearing together with answers to any questions asked at the hearing. Any witness evidence called at the hearing must relate to relevant facts which are in dispute. A witness other than the member may not remain in the hearing until after they have given evidence.

## **B. Making Findings of Facts**

1. After dealing with any preliminary issues, the panel will attend to any significant disagreements about the facts contained in the investigating officer's report.
2. If there is no disagreement about the facts, the panel will move on to the next stage of the hearing.
3. If there is a disagreement, the investigating officer will be invited to make any necessary representations to support the findings of facts in the reports which are disputed. With the panel's permission, the investigating officer may call any necessary supporting witnesses to give evidence. The panel will give the member an opportunity to challenge any evidence put forward by and any witness called by the investigating officer but not to cross examine the witness.
4. The member will then have the opportunity to make representations to support his or her version of the facts and, with the panel's permission or call any necessary witnesses to give evidence.
5. At any time, the panel may question any of the people involved or any of the witnesses, and will allow the investigating officer to challenge any evidence put forward by witnesses called by the member but not to cross examine the witness.
6. If the member disagrees with most of the facts, the investigating officer may start by making presentations on all the relevant facts, instead of discussing each fact individually.
7. If the member disagrees with any relevant fact in the investigating officer report, without having given prior notice of the disagreement, he or she must give good reasons for not mentioning it before the hearing. If the investigating officer is not present, the panel will consider whether it would be in the public interest to continue in his or her absence. After considering the member's explanation for not raising the issue at an earlier stage, the panel may then:-
  - (a) Continue with the hearing, relying on the information in the investigating officer's report.
  - (b) Allow the member to make representations about the issue, and invite the investigating officer to respond and call any witnesses, as necessary; or
  - (c) Postpone the hearing to arrange for appropriate witnesses to be present, or for the investigating officer to be present if he or she is not already.
8. The panel will usually consider the representations and evidence in private and will ask those present to leave the room so that they may do so.

### **C. Did the Member fail to follow the Code?**

1. The panel will next consider whether or not, based on the fact it has found, the member has failed to follow the Code of Conduct.
2. The member will be invited to give relevant reasons why the panel should not decide that he or she has failed to follow the Code.
3. The panel will consider any verbal or written representations from the investigating officer.
4. The panel may, at any time, question anyone involved on any point they raise in their representations.
5. The member will be invited to make any final relevant points.
6. The panel will then consider the representations in private and will ask those present to leave so that they may do so.

### **D If the Member has not failed to follow the Code of Conduct**

If the panel decides that the member has not failed to follow the Code of Conduct, the panel may move on to consider whether it should make any recommendations to the Council or Parish Council on any issue, which has arisen.

### **E. If the member has failed to follow the Code**

1. If the panel decides that the member has failed to follow the Code of Conduct, it will consider any verbal or written representations from the investigating officer and the member as to:-
  - (a) whether or not the panel should set a penalty; and
  - (b) what form any penalty should take.
2. The panel may question the investigating officer and member, and take legal advice, to make sure they have the information they need in order to make an informed decision.
3. The panel will then consider in private whether or not to impose a penalty on the member and if so, what the penalty should be.
4. Where the panel finds that the member did fail to comply and that a sanction should be imposed then the Independent Person (if present) should be consulted about the proposed action. In the event that the Independent Person is not present at the hearing, the Panel will consider what penalty it

should impose but make no announcement until the Independent Person has been consulted.

- (a) If the member no longer belongs to a relevant authority, the panel will censure the subject Member.
  - (b) If any other case, the panel, will impose one or more of the sanctions in paragraph 12 to Appendix 3 – Arrangements for Dealing with Standards Allegations under the Localism Act 2011 or other such sanction that it is legally able to impose and believes to be proportionate and appropriate.
  - (c) Censure or reprimand the member;
  - (d) Publish its findings in respect of the member's conduct;
  - (e) Reports its findings to Council [*or to the Parish Council for consideration*] for information;
5. After considering any verbal or written representations from the investigating officer the panel will consider whether or not it should make any recommendations to the relevant Council, with a view to promoting high standards of conduct amongst members.
6. The panel will announce its decision on the day unless separate consultation with the Independent Person under paragraph E(4) is required and aim to issue a full written decision within 5 working days of the hearing.
7. The Chair will ensure that the panel's decision is made public.

# APPENDIX 3

## **Guidance for Members on the Acceptance of Gifts and Hospitality**

### **1.0 Introduction**

- 1.1 The guidance is intended to provide guidance to Members on the acceptance of gifts and hospitality and the procedure to follow.
- 1.2 “Member” includes all elected Members, the Mayor and co-opted members of any Committee.
- 1.3 The legislation is contained in the Bribery Act 2010, which introduced the offences of giving and receiving a bribe. Any offer of gifts or hospitality needs to be approached with caution as the intention of the person behind the gift may be to induce you to do something. The legislation provides that anyone who corruptly gives or offers any gift or advantage as an inducement to any Member of a public body for doing or forbearing to do anything is guilty of a criminal offence. Similarly it is an offence to accept any gift or advantage as an inducement for doing or forbearing to do anything in respect of Council business. It is possible to commit an offence even if you innocently receive something which is given to you corruptly.
- 1.4 Persons in public service are expected to act in the interest of the public and to act impartially. Moreover, they should avoid putting themselves in a position where their integrity is called into question because of any financial or other obligation. As well as avoiding actual impropriety, the appearance of it should also be avoided.

### **2.0 Registering Gifts and Hospitality**

- 2.1 The Code of Conduct requires that you register any gifts or hospitality with an estimated value of at least £50 which are accepted by you in the conduct of business of the Council.
- 2.2 An accumulation of gifts from the same source where the total value in any 12 month period exceeds £100 should also be registered.
- 2.3 The source, nature and estimated value of the gift or hospitality must also be registered.
- 2.4 Gifts or hospitality received must be registered as soon as possible after acceptance, and within 28 days of receipt.
- 2.5 Members are also encouraged to register offers of gifts or hospitality which were refused or returned as unsolicited.
- 2.6 You may have to estimate how much a gift or hospitality is worth. When

determining the value you should look at the retail value of an item or the price which would be paid by a member of the public to receive the hospitality. If you are in doubt as to whether it reaches the £50 threshold you should register it as a matter of good practice.

- 2.7 Gifts and hospitality which are not related to your role as a Member, such as Christmas gifts from your friends and family do not need to be registered.
- 2.8 Gifts and hospitality received which have been notified to the Monitoring Officer are publicly available on the Member's Register of Interest webpage, where they will remain while the Member is in office.
- 2.9 The Monitoring Officer will also maintain a separate gifts and hospitality register which will be published quarterly on the Council's website in an accessible format.
- 2.10 Acceptance of a gift or hospitality puts a Member in the position of having a personal interest in the body offering the gift. Should business relating to that body arise at a Council or Committee meeting the Member should declare an interest.

### 3.0 **Gifts**

- 3.1 Members should usually refuse gifts offered to them or a member of their immediate family by any person or body who has, or seeks to have, dealings with the Council.
- 3.2 Even where a gift is below £50 value Members should consider whether it is appropriate to accept it.
- 3.3 A gift should not be accepted as an inducement or reward; when acceptance might be open to misinterpretation; or when it puts a Member under improper obligation.
- 3.4 Small gifts of token value such as promotional or advertising material for example a calendar or note pad and which are given to a wide range of people may generally be accepted.
- 3.5 Modest gifts received where it would be embarrassing or impractical to refuse or return can be donated to the Mayor's Charity for use in raffles etc
- 3.6 If a Member wishes to return a gift and would prefer it dealt with formally they should request the assistance of the Proper Officer.

### 4.0 **Hospitality**

- 4.1 Offers of hospitality must be treated with caution. Members must refuse offers of hospitality where any suggestion of improper influence is possible. Special



caution is necessary where hospitality is offered by a person or body having or seeking business with or a decision from the authority, particularly where the offer is to an individual Member.

4.2 Hospitality should only be accepted where it is on a scale appropriate to the circumstances, reasonably incidental to the occasion and not extravagant and where it is apparent that no cause could reasonably arise for adverse criticism about the acceptance of the hospitality.

4.3 Members can accept hospitality from another public body.

4.4 The following are examples of hospitality which is acceptable and that which is not:

*Acceptable*

- a) An offer of a drink following a site inspection
- b) Invitations to attend functions where the Member represents the Council (eg dinners where they are invited to speak, opening ceremonies, trade shows, etc) or to functions which they attend by virtue of their position within the Council
- c) Hospitality offered by other public bodies
- d) A working lunch of a modest standard provided to enable the parties to continue to discuss business

*Unacceptable*

- a) Night Club visits or holidays
- b) Personal invitations to have dinners with representatives from a company or firm which has dealings with the Council
- c) Offer of hotel and tickets for theatre in London or the use of a company flat
- d) Invitations to hospitality and attendance at a race meeting or other sporting event except where these are part of the life of the local community or where the authority should be seen to be represented

**5.0 The Mayor**

5.1 This guidance also applies when a Member is acting in the capacity of Mayor.

5.2 Gifts accepted by the Mayor would not normally be retained personally. They should either be added to the Civic Collection or donated to the Mayor's Charity as raffle prizes.

5.3 Hospitality should only be accepted where on a scale appropriate to the circumstances and not extravagant.

## 6.0 Checklist

6.1 The following checklist of questions should help Members to decide whether a gift or an offer of hospitality should be accepted or rejected:

1. Is the donor, or event, significant in the community or in the Council's area?
2. Are you expected to attend because of your position in the community?
3. Will the event be attended by others of a similar standing in the community?
4. What is the motivation behind the invitation?
5. Would acceptance of the gift or invitation be in any way inappropriate or place you under pressure in relation to any current or future issue involving the Council?
6. Could you justify the decision to the Council, press and public?
7. Is the extent of the hospitality or the nature of the gift reasonable and appropriate?
8. How will you respond to the hospitality?
9. Are you comfortable with your decision?

Revised:  
General Purposes Committee – 28 January 2021  
Council – 3 March 2021