

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor or co-opted member, 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 or co-opted members, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and co-opted members and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors, co-opted members and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan

Principles. Building on these principles, the following general principles have been

developed specifically for the role of councillor and co-opted member. In accordance

with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

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

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member. This Code of Conduct applies to you when you are acting in your capacity

as a councillor or co-opted member which may include when:

- you misuse your position as a councillor or co-opted member
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor or co-opted member;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all

times when acting as a councillor or co-opted member.

Your Monitoring Officer has statutory responsibility for the implementation of the Code

of Conduct, and you are encouraged to seek advice from your Monitoring Officer on

any matters that may relate to the Code of Conduct. Town and parish councillors are

encouraged to seek advice from their Clerk, who may refer matters to the Monitoring

Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct

required of you as a councillor or co-opted member. 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.

General Conduct

1. Respect As a councillor or co-opted member:

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

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

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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

or co-opted member, you can express, challenge, criticise and disagree with views,

ideas, opinions and policies in a robust but civil manner. You should not, however,

subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously.

Rude

and offensive behaviour lowers the public's expectations and confidence in councillors. In return, you have a right to expect respectful behaviour from the public.

If members of the public are being abusive, intimidatory or threatening you are entitled

to stop any conversation or interaction in person or online and report them to the 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 local authority's councillor officer protocol.

2. Bullying, harassment and discrimination

As a councillor or co-opted member:

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.

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Members must promote equality and inclusion by providing an environment free from

harassment, discrimination, and victimisation and bullying and by treating people with respect, regardless of their age, disability, gender, race, religion/ belief, sexual orientation or marriage/ civil partnership status.

The Equality Act 2010 places specific duties on local authorities. Councillors and co-opted members 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.

Members should have regard to the Council's the Council's policies on Equality,

Diversity and Inclusion and Dignity and Respect at Work.

3. Impartiality of officers of the council

As a councillor or co-opted member:

3.1 I do 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. You can question officers in order to understand,

for example, their reasons for proposing to act in a particular way, or the content of a

report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would

prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor or co-opted member:

4.1 I do not disclose information:

a. given to me in confidence

b. by anyone acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless

i. I have received the consent of a person authorised to give it;

ii. I am required by law to do so;

iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or

iv. the disclosure is:

1. reasonable and in the public interest; and

2. made in good faith and in compliance with the reasonable requirements of the local authority; and

3. I have consulted the Monitoring Officer prior to its release.

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities 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 local authority 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 or co-opted member:

5.1 I do not bring my role or local authority into disrepute.

As a councillor or co-opted member, 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 local authority and may

lower the public's confidence in your or your local authority's ability to discharge

your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute. You 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 or co-opted member:

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 local authority 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.

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7. Use of local authority resources and facilities

As a councillor or co-opted member:

7.1 I do not misuse council resources.

7.2 I will, 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.

You may be provided with resources and facilities by the local authority to assist you

in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively

and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and you should have

regard to the Council's policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor or co-opted member:

8.1 I undertake Code of Conduct training provided by my local authority.

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.

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8.4 I comply with any standards investigation or sanction imposed on me following a finding that I have breached the Code of Conduct, or with any informal resolution by the Monitoring Officer.

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

local authority or its governance. If you do not understand or are concerned about the

local authority's processes in handling a complaint you should raise this with your

Monitoring Officer.

You must not make trivial, malicious or vexatious allegations against other Councillors/Officers.

9. Interests

As a councillor or co-opted member:

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 your Monitoring Officer.

10. Gifts and hospitality

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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 notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £10, or accumulatively in excess of £10 from the same source over the four-year term of office which I have been offered as a Member from any person or body other than the Authority within 28 days of 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 or

may cause personal or cultural offence to the donor 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. This may include refreshments

at public or community events you are asked to attend in your role as councillor. You

should always decline any hospitality that could be seen to influence you in your role

as councillor, even if it is offered in a personal capacity. If you are unsure, do contact

your Monitoring Officer for guidance.

This duty to notify the Monitoring Officer does not apply where the gift is accepted on

behalf of the Council and does not apply to the role of Lord Mayor.

11. Bias

11.1 I must not place myself under any financial or other obligation to outside individuals or organisations that might seek to influence me in the performance of my official duties.

11.2 When making a decision, I consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

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Where you have been involved in campaigning in your political role on an issue which

does not impact on your personal and/or professional life you are not prohibited from

participating in a decision in your political role as member