



# Newark TOWN COUNCIL

## FINANCE & GENERAL PURPOSES COMMITTEE

WEDNESDAY 9<sup>TH</sup> OCTOBER 2024

**Friday 4<sup>th</sup> October 2024**

Dear Councillor

You are summonsed to attend a meeting of the Finance & General Purposes Committee at **7.00pm** on Wednesday 9<sup>th</sup> October 2024. This meeting will be held in the Council Chamber at the Town Hall.

Yours sincerely

**Matthew Gleadell**  
**Town Clerk**

**Pre-Group Meetings**

(if required)

1	6.00	Independents for Newark	Committee Room
2	6.00	Labour Group	Pickin Room
3	6.00	Conservative Group	Old Robing Room
4	6.00	Independent Councillors	Mayors Parlour

**Committee Membership**

Cllr I Brown  
Cllr D Campbell  
Cllr T Collier  
**Cllr B Corrigan (Chairman)**  
Cllr E Cropper  
**Cllr S Crosby (Vice-Chairman)**  
Cllr S Dickinson  
Cllr L Geary  
Cllr L Goff  
Cllr J Kellas  
Cllr D Ledger  
Cllr D Moore  
Cllr G Rix  
Cllr N Ross  
Cllr L Roulstone  
Cllr M Skinner  
Cllr M Spoors  
Cllr P Taylor

## FINANCE & GENERAL PURPOSES COMMITTEE

### A G E N D A

**WEDNESDAY 9<sup>TH</sup> OCTOBER 2024**

<b>1</b>	<b>Apologies for Absence</b>		
<b>2</b>	<b>Minutes of the Finance &amp; General Purposes Committee held on Wednesday 4<sup>th</sup> September 2024</b>	<b>Minutes Attached</b>	<b>Page 5</b>
<b>3</b>	<b>Declarations of Interest from Members</b> <i>Relevant Legislation: Localism Act 2011 s31</i>	<b>Verbal</b>	
<b>4</b>	<b>Payment Schedules</b>	<b>Report Attached</b>	<b>Page 11</b>
<b>5</b>	<b>Code of Conduct</b>	<b>Report Attached</b>	<b>Page 17</b>
<b>6</b>	<b>Debt Recovery Policy</b>	<b>Report Attached</b>	<b>Page 63</b>
<b>7</b>	<b>External Audit Conclusion</b>	<b>Report Attached</b>	<b>Page 73</b>
<b>8</b>	<b>Works Approval Schedule</b>	<b>Report Attached</b>	<b>Page 77</b>
<b>9</b>	<b>Environmental Stewardship Sub Committee – Chairmans Update</b>	<b>Verbal Report</b>	
<b>10</b>	<b>Events, Arts, Culture and Twinning Sub Committee – Chairmans Update</b>	<b>Verbal Report</b>	
<b>11</b>	<b>Sherwood Avenue – Retail Kiosk / Public Toilets – Design and Planning</b>	<b>Report Attached</b>	<b>Page 81</b>
<b>12</b>	<b>Exclusion of the Press and Public</b> <i>Public Bodies (Admissions to Meetings) Act 1960 s1 (2)</i>	<b>Report Attached</b>	<b>Page 91</b>
<b>13</b>	<b>Appendix 2 to Agenda Item 11</b>	<b>Report Attached</b>	<b>Page 93</b>
<b>14</b>	<b>Operations Manager Recruitment and H&amp;S Consultancy</b>	<b>Report Attached</b>	<b>Page 95</b>





# Newark TOWN COUNCIL

## FINANCE & GENERAL PURPOSES COMMITTEE MINUTES

Minutes of the Meeting of the Finance & General Purposes Committee held on Wednesday 4<sup>th</sup> September 2024 in the Council Chamber, at the Town Hall.

<b>Membership Present:</b>	<b>Councillor</b>	B Corrigan (Chairman)
	Councillors	I Brown D Campbell (Ap) T Collier E Cropper S Crosby (Vice-Chairman) S Dickinson L Geary L Goff J Kellas D Ledger D Moore G Rix N Ross L Roulstone M Skinner M Spoors P Taylor
<b>Apologies for Absence:</b>	<b>Councillors</b>	D Campbell
<b>Officers Present:</b>	<b>Town Clerk</b>	Matthew Gleadell
<b>Taking Notes:</b>	<b>Deputy Town Clerk</b>	Anna Lawson
	There were no members of the public or press present.	
<b>Venue:</b>	Committee Room, Newark Town Hall	

**FGP21/24/25 Minutes of the meeting of the Finance & General Purposes Committee held on Wednesday 17<sup>th</sup> July 2024**

The Minutes of the last meeting of the Finance & General Purposes Committee held on Wednesday 17<sup>th</sup> July 2024 were proposed by Cllr B Corrigan and seconded by Cllr D Moore.

A vote was held and they were **APPROVED**.

**FGP22/24/25 Declarations of Interest**

Cllr M Skinner declared a pecuniary interest in Agenda Item 8.

It was **AGREED** to accept any other Declarations of Interest as and when they arose during the meeting.

**FGP23/24/25 Payment Schedule 4/25**

Cllr B Corrigan proposed, Cllr D Moore seconded the Monthly Payment Schedule 4/25.

Members then **NOTED** Payment Schedule 4/25 in the sum of £195,415.30 (one hundred and ninety five thousand, four hundred and fifteen pounds and 30p).

**FGP24/24/25 Account Signatories**

**CCLA Property Fund (including Doris Bainbridge Investment Account)**

It was proposed by Cllr B Corrigan, seconded by Cllr D Moore that the Operations Manager be replaced by the Deputy Town Clerk, and the previous Vice Chair be replaced by the current Vice Chair as signatories on this account.

**NatWest Accounts**

It was proposed by Cllr B Corrigan, seconded by Cllr D Moore that the Operations Manager be replaced by the Deputy Town Clerk as a signatory on these accounts.

It was also proposed that the previous Mayor be replaced by the current Mayor and the previous Vice Chair be replaced by the current Vice Chair.

A vote was held and these recommendations were **AGREED**.

**FGP25/24/25 Year End Accounts**

It was **NOTED** that there were some Councillors missing from the list – namely: Cllr D Campbell, Cllr L Goff and Cllr N Ross.

It was proposed by Cllr B Corrigan, seconded by Cllr D Moore, that with the correction noted above, the Year End Accounts be **ACCEPTED**.

A vote was held and this was **AGREED**.

**FGP26/24/25 Internal Audit**

It was proposed by Cllr B Corrigan, seconded by Cllr S Crosby, that the three recommendations contained in the Agenda report be **ACCEPTED**.

The three recommendations were:

1. That Members note the contents of the 23/24 Internal Audit Report.
2. That Members support and agree the appointment of Assurance Lincolnshire for undertaking the 24/25 financial year internal audit.
3. That Members resolve to adopt the statements as set out in the Agenda Report.

A vote was held and this was **AGREED**.

#### **FGP27/24/25 Grant Application (Use of Town Hall Ballroom)**

##### **1. Palace Singers**

Cllr S Crosby declared a non-pecuniary interest in this Agenda Item.

Cllr L Geary proposed, Cllr L Roulstone seconded that this application be approved.

A vote was held and this was **AGREED**.

##### **2. Newark and District Round Table**

Cllr M Skinner left the meeting because of his declaration of interest declared at the beginning of the meeting.

Cllr B Corrigan proposed, Cllr N Ross seconded that this application be approved.

A vote was held and this was **AGREED**.

Cllr M Skinner returned to the meeting at this point.

#### **FGP28/24/25 2024/2025 Grant Structure**

During discussion of this item Cllr D Ledger proposed, Cllr B Corrigan seconded, an amendment to 2.2.5c – change number from 3 to 2:

*'Must have at least 3 unrelated members legally responsible for the governance of the applicant organisation'*

A vote was held and this was **NOT AGREED**.

Cllr T Collier declared a pecuniary interest and left the room at this point.

Another amendment was then proposed by Cllr B Corrigan, seconded by Cllr S Crosby – 2.2.5.b to include Constituted group

*'Must be not for profit (e.g Charitable Incorporated Organisation, Community Interest Company, Trust, Community Benefit Society etc)'*

A vote was held and this was **AGREED**.

It was then proposed by Cllr B Corrigan, seconded by Cllr N Ross to accept the proposal with the adopted amendment.

A vote was held and this was **AGREED**.

The meeting was then temporarily adjourned for a comfort break.

Cllr T Collier returned to the meeting.

#### **FGP29/24/25 Allotment Fees and Charges**

Cllr B Corrigan proposed, Cllr S Crosby seconded, the removal of the pensioner discount as an amendment.

A vote was held and this was **NOT AGREED**.

Cllr I Brown requested that Councillors receive a report outlining the number and nature of issues with the allotments.

Cllr D Ledger left the room at this point.

Cllr M Spoors proposed, Cllr L Geary seconded another amendment, to retain the pensioner discount and include those on disability living allowance.

A vote was held and this was **AGREED**.

Cllr I Brown left the meeting.

Cllr B Corrigan proposed, Cllr D Moore seconded that the recommendations be accepted, with the agreed amendments as well as an increase of 4p per metre squared for the Allotment Fees for 26/26.

A vote was held and this was **AGREED**.

Cllrs D Ledger and I Brown returned to the meeting.

#### **FGP30/24/25 Financial Regulations**

Cllr B Corrigan proposed, Cllr G Rix seconded an amendment, to change the BACs process from 2 classes to 3.

A vote was held and this was **AGREED**.

Cllr D Ledger proposed, seconded by Cllr J Kellas that the amendments to Standing Orders be deferred to the Full Town Council Meeting.

A vote was held and this was **AGREED**.

Cllr B Corrigan then proposed that the report be **ACCEPTED** with the agreed amendments. This was seconded by Cllr N Ross; a vote was held and this was **AGREED**.

#### **FGP31/24/25 Works Approval Schedule**

It was proposed by Cllr B Corrigan, seconded by Cllr D Ledger that the schedule be **NOTED** and **ACCEPTED**.

A vote was held and this was **AGREED**.

#### **FGP32/24/25 Christmas Lights Tender**

It was proposed by Cllr J Kellas, seconded by Cllr D Moore that an amendment be made to add the Chairman of the Events Committee to the tender evaluation panel.

A vote was held and this was **AGREED**.

Cllr B Corrigan then proposed that the recommendations be accepted. This was seconded by Cllr G Rix. A vote was held and this was **AGREED**.

Standing Order 4 (4) was suspended to allow the meeting to be extended by 30 minutes.

Cllr T Collier left the meeting at this point.



**FGP33/24/25 Political Balance**

It was proposed by Cllr B Corrigan, seconded by Cllr D Moore that there should be no changes to the Political Balance within any of the committees.

A vote was held and this was **AGREED**.

**FGP34/24/25 Transport Sub Committee**

Cllr B Corrigan proposed, and Cllr D Ledger seconded that a Transport Sub Committee be created.

A vote was held and this was **NOT AGREED**.

Standing Order 4 (4) was suspended to allow the meeting to be extended by 30 minutes.

**FGP35/24/25 Town Council Facebook/Social Media Policy**

It was proposed by Cllr D Ledger, seconded by Cllr N Ross, that the policy be **NOTED** and **ACCEPTED**.

A vote was held and this was **AGREED**.

**FGP36/24/25 Environmental Stewardship Sub Committee Remit**

It was proposed by Cllr B Corrigan, seconded by Cllr P Taylor that an amendment be made that there should be a quarterly referral to the Finance and General Purposes Committee.

A vote was held and this was **AGREED**.

Cllr B Corrigan then proposed amendments to the mission statement to read '*.....and built environment*' and the aims to include '*6. To consider Transport issues*'.

This was seconded by Cllr P Taylor. A vote was held and this was **AGREED**.

Cllr M Spoors then proposed that the proposal be accepted with the changes as noted above. This was seconded by Cllr P Taylor.

A vote was held and this was **AGREED**.

Standing Order 4 (4) was suspended to allow the meeting to be extended by another 30 minutes.

Cllr E Cropper and Cllr S Dickinson left the meeting at this point.

**FGP37/24/25 Notice of Motion – Broadcasting of Meetings**

Cllr M Skinner proposed, Cllr J Kellas seconded, that the proposal be accepted.

A vote was held and this was **AGREED**.

Cllrs S Crosby and L Geary left the meeting.

**FGP38/24/25 Notice of Motion – Winter Fuel**

Cllr B Corrigan proposed an amendment to remove paragraph 4 and the work 'proactive' in paragraph 3. This was seconded by Cllr D Moore.

A vote was held and this was **NOT AGREED**.

Cllr I Brown left the room.

Cllr B Corrigan then proposed another amendment to remove the work 'pro-active' and replace with 'therefore'. This was seconded by Cllr D Moore.

A vote was held and this was **AGREED**.

Cllr I Brown returned to the meeting.

Cllr M Skinner proposed, Cllr D Ledger seconded, that the proposal be accepted with the amendments as above.

A vote was held and this was **AGREED**.

**FGP39/24/25 Representation on Outside Bodies**

Following discussion Cllr B Corrigan proposed, Cllr N Ross seconded, that Cllr D Campbell be appointed as the Newark Town Council representative on the Lilley & Stone School Charities Outside Body.

A vote was held and this was **AGREED**.

**FGP40/24/25 Exclusion of the Press and Public**

**FGP41/24/25 Tolney Lane Land/Fencing Requests**

The above Agenda Items were deferred to the Full Town Council Meeting.

Meeting Closed:	10.30pm	Next Meeting:	Wednesday 9 <sup>th</sup> October 2024
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**FINANCE & GENERAL PURPOSES COMMITTEE**

<b>SUBJECT:</b>	<b>MONTHLY PAYMENT SCHEDULES 5/25 AND 6/25</b>
<b>REPORT BY:</b>	<b>MATTHEW GLEADELL (TOWN CLERK)</b>

**1. Recommendations**

- 1.1 Members note the payment schedules for months 5 and 6 of the 24/25 financial year.

**2. Background**

- 2.1 Payment Schedules 5 and 6 appended to this report.

**3. Financial, Legal, Equality, Environmental & Risk Issues**

None.

<b>Background Papers:</b>	<b>Working papers</b>
<b>Lead Officer:</b>	<b>Matthew Gleadell</b> <b>Tel: 01636 684801</b> <b>Email: <a href="mailto:matthew.gleadell@newark.gov.uk">matthew.gleadell@newark.gov.uk</a></b>



**DIRECT DEBITS**  
**ACCOUNTS FOR PAYMENT SCHEDULE 5/25**

**31.08.24**

<b>Voucher Number</b>	<b>Payee</b>	<b>Budget</b>	<b>Amount</b>
2273	ASD	TH Bar	694.63
2274	British Gas	Buttermarket Electric	16.29
2275	BT	Telephones	226.48
2276	BT	Cemetery Telephones	66.08
2276A	BT	Cemetery Telephones	104.00
2277	EDF	Market Electricity	6.32
2278-79	Gas Direct	TH Bar	7.34
2280	HCP Capital UK Ltd	Civic Car	288.28
2281	Natwest C/C - MG	Advertising	109.29
2281		Climate change	579.50
2282	Natwest C/C - SA	Cemetery Equipment	384.99
2283	Newark and Sherwood District Council	Rates	259.00
2284	Newark and Sherwood District Council	Rates - TH	2270.00
2284		Rates - Market Place	3221.00
2284		Rates - Cemetery Lodge	923.00
2284		Rates - London Road PC	369.00
2285	Total Energies	P & O/S Electricity	175.34
2286-87		PC Electricity	477.62
2288-89		PC Gas	170.99
2290		Cemetery Gas	162.99
2291-93		Cemetery Electricity	82.94
2294-98		Buttermarket Electricity	852.71
2299-2302		Market Electricity	122.77
2303		TH Electricity	904.63
2304		TH Gas	657.70
2305-2323	Worldpay	Bank Charges	174.70
		<b>Total</b>	<b>12596.67</b>

**AUTOPAY**  
**ACCOUNTS FOR PAYMENT SCHEDULE 5/25**

**31.08.24**

<b>Voucher Number</b>	<b>Payee</b>	<b>Budget</b>	<b>Amount</b>
2154	ADT	TH Maintenance & Equipment	169.99
2155	Air IT	Computers	355.14
2156	Allstar	Civic Car/Vehicle running costs	297.07
2157	Ann Et Vin	TH Bar	98.50
2158	AO Cumbernauld	Payroll	13850.51
2159	Aquaid	Refreshments	32.40
2160-62	Arco	Market Maintenance & Equipment	206.01
2163	BGS	TH Maintenance & Equipment	240.00
2164	Blidworth Welfare Band	Sunday Bands	400.00
2165	Bounceabout Inflatables	Newark Festival	434.00
2166	Campbell, Kieran	Newark Festival	60.00
2167	Cartledge, Eion	Newark Festival	100.00
2168	Chubb	Cemetery Upkeep	1117.96
2169	Churches Fire & Security	TH Maintenance & Equipment	913.90
2170-71	City Hygiene	PC Repairs & Maintenance	93.60
2172	Cleaning Supplies 4U	PC Materials	401.14
2173	Container King Ltd	Newark Festival	240.00
2174	Cope	Occupational Health	19.80
2175	Costema, Josh	Newark Festival	150.00
2176	Crisp, Lucy	Newark Festival	75.00
2177	Crossland, Richard	Newark Festival	80.00
2178	DCK Accounting Solutions	Consultancy	719.04
2179	Derry Building Services	TH Maintenance & Equipment	55.49
2180	Easy Safety	Consultancy	796.00
2181	EE	Telephones	125.40
2182	ENVA	Market Refuse	1954.42
2183-84	Equals Money	Dave Jackson	793.04
2185		Karen Wood	172.91
2186		Kirsty Edwards	500.00
2187	Eurosafe	TH Maintenance & Equipment	1900.00
2188	Everflow	Water	1969.62
2189	Farmstar	Mowers	589.17
2190	Farol	Mowers	654.01
2191	Fosse Contracts Ltd	P & O/S Maintenance & Equipment	21189.17
2192	Handmade Theatre	Newark On Sea	600.00
2193	Harrison, Ian	P & O/S - Mkt Equipment & Tools	10.17
2194	Hill, L	Newark Festival	150.00
2195	Hortwell Horitculture Services	Floral Displays	93.60
2196-97	HyAcc	Vehicle running costs	792.00
2198		PC Repairs & Maintenance	216.00
2199		Cemetery Upkeep	259.92

2200	Ignite Performance Group	Marketing & Promotions	50.00
2201	iHasco	Training	3095.70
2202	Iliffe Media	Newark Festival	571.20
2203	Jackson, Dave	Market Equipment & Tools	64.56
2204		TH Maintenance & Equipment	185.85
2205-06	Jones Maintenance Solutions Ltd	Allotment Repairs & Maintenance	720.00
2207	K & H Sports	Uniform	38.00
2208	Laffey's Ltd	Newark On Sea	720.00
2209	LHG Productions	Brass Explosion	1260.00
2210-11	Lidsters	Cemetery Tablets	1202.38
2212	Lincolnshire County Council	Consultancy	6840.00
2213	Lynx AC	TH Maintenance & Equipment	128.94
2214	Malt Whiskers	Marketing & Promotions	100.00
2215	Marshall, Robert	Riverside Park Maintenance	450.00
2216	Marshall, Simon	Newark Festival	150.00
2217	Mclusky, Nikki	Newark Festival	240.00
2218	MEC	Cemetery Upkeep	100.00
2219	Miggels, Chris	Newark Festival	300.00
2220	Morfitt, Anthony	Newark Festival	150.00
2221	Nash, George	Newark Festival	75.00
2222-23	Newark and Sherwood DC	P & O/S Maintenance & Equipment	4500.00
2224		TH Maintenance & Equipment	450.00
2225		TH License	295.00
2226	Newark Security Services Ltd	P & O/S Security	879.84
2227	Newark TC	Payroll	48236.96
2228	Notts Concert Band	Sunday Bands	250.00
2229	Notts CC LGPS	Pension	1166.82
2230	Notts LGPEN	Pension	14803.33
2231	Oakshire Environmental	Allotment Repairs & Maintenance	1389.60
2232	O'Brian, Annie	Market & Promotions	320.00
2233	Owenson, L	Newark On Sea	600.00
2234	Personal Advice & Solutions Ltd	Consultancy	240.00
2235	Piercy, Joanne	TH Bookings	150.00
2236	Radley, J	Allotment Repairs & Maintenance	226.48
2237	SA Plumbing	Allotment Repairs & Maintenance	124.26
2238-39		PC Repairs & Maintenance	151.60
2240-41		TH Maintenance & Equipment	1382.50
2242	Screwfix	Market Equipment & Tools	54.99
2243		Cemetery Equipment & Tools	79.98
2244	Second Element	TH Maintenance & Equipment	420.00
2245-48	SLCC	Conferences	1436.00
2249	Smith, Ben Mark	Newark Festival	75.00
2250	Sole Trader	Newark On Sea	150.00
2251		Newark Festival	150.00
2252	Speed, Oscar	Newark Festival	75.00
2253-54	SteelGen	Marketing & Promotions	560.00
2255	Streetmaster	Plinths and Tablets	426.00

2256	TC Harrison	Vehicle running costs	60.00
2257	The Ghost Drinkers	Marketing & Promotions	300.00
2258	TMS users fund - Franking Machine	Postage	600.00
2259	Todd, Joshua	Newark Festival	75.00
2260	Tranquility	Newark Festival	75.00
2261	True Window & Glass Centre	TH Maintenance & Equipment	5199.50
2262-65	Ultimate Print & Design	Marketing & Promotions	708.80
2266	Upfront Promotions	Damage waiver	200.00
2267	Virgin Media Business	Cemetery telephones	46.44
2268		Telephones	269.70
2269	Walters	TH Maintenance & Equipment	162.00
2270	Watch It	Cemetery Upkeep	1007.33
2271	William Saunders	Consultancy	2055.00
2272	Yates Engineering	TH Maintenance & Equipment	3680.46
		<b>Total</b>	<b>162349.20</b>

£  
**Grand Total 174,945.87**



**FINANCE AND GENERAL PURPOSES**

<b>SUBJECT:</b>	<b>CODE OF CONDUCT</b>
<b>REPORT BY:</b>	<b>MATTHEW GLEADELL</b>

**1. Recommendations**

- 1.1 That members adopt the Code of Conduct as presented at Appendix 1.

**2. Background**

- 2.1 The Deputy Clerk is in the process of reviewing and where necessary amending and updating all Council policy and procedure.
- 2.2 The Councils Code of Conduct was last reviewed and updated in 2021. This is attached as Appendix 2.
- 2.3 The proposed Code of Conduct is based on current best practice and provides additional guidance in comparison to the previous Code of Conduct.
- 2.4 One area of change is the value of any gift to be registered has decreased from £50.00 to £25.00 in order to mirror the policy of the District Council. Many Councils do however set their limit at £50.00. As NSDC employ the monitoring officer that would deal with any Town Council Code of Conduct complaints aligning the Code is recommended.
- 2.5 The broad content of the Code is largely the same as the existing Code of Conduct and centres around the 7 Principles of Public Life known as the 'Nolan Principles'.

**3.0 Financial, Legal, Equality, Environmental & Risk Issues**

- 3.1 Contained in the report.

<b>Background Papers:</b>	<b>Working papers</b>
<b>Lead Officer:</b>	<b>Matthew Gleadell</b> <b>Tel: 01636 684801    Email:</b> <a href="mailto:matthew.gleadell@newark.gov.uk">matthew.gleadell@newark.gov.uk</a>





# **Members Code of Conduct**

**DRAFT October 2024**

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## CODE OF CONDUCT FOR MEMBERS

### 1. INTRODUCTIONS

1.1 All councils are required to have a local Councillor Code of Conduct. Newark Town Council has adopted this Code of Conduct pursuant to Section 27 of the Localism Act 2011 to promote and maintain high standards of behaviour by its Members and Co-Opted Members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting, as a representative of the Council.

1.2 The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that councillors can be held accountable, and all adopt the behaviours and responsibilities associated with the role. **Conduct of individual councillors affect the reputation of the Council as a whole.**

1.3 Councillors represent local residents, work to develop better services and deliver local change. The public have high expectations of councillors to take 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.

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

1.5 This Code is designed to protect the democratic role of councillors, encourage good conduct and safeguard the public's trust in local government, it is based on the principles of **selflessness, integrity, objectivity, accountability, openness, honesty** and **leadership** ("The Nolan Principles").

### 2. DEFINITIONS

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

a) is a member of any committee or sub-committee of the Authority, or.

b) is a member of, and represents the Authority on, any joint committee or joint sub- committee of the Authority; and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

### **3. PURPOSE OF CODE OF CONDUCT**

3.1 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, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct.

### **4. GENERAL PRINCIPLES**

4.1 Everyone in public office at all levels, all who serve the public or deliver public services, should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

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

4.3 In accordance with the public trust placed in you, on all occasions you **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.

4.4 In undertaking your role you **SHOULD**:

- impartially exercise your responsibilities in the interests of the local community.
- exercise your independent judgement, taking decisions for good and substantial reasons.
- not improperly seek to confer an advantage, or disadvantage, on any person.
- avoid conflicts of interest.
- exercise reasonable care and diligence.
- ensure that public resources are used prudently in accordance with the Council's requirements and in the public interest; and ensure that the authority acts within the law.

### **5. APPLICATION OF CODE OF CONDUCT**

5.1 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.

5.2 This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- 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

## 6. STANDARDS OF COUNCILLOR CONDUCT

6.1 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.

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

## 7. GENERAL CONDUCT

### 1. Respect

As a Councillor you should:

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 respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word.

**Debate and having different views are all part of a healthy democracy.** As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the 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.

## 2. Bullying, Harassment and Discrimination

As a councillor you should:

2.1 not bully any person.

2.2 not harass 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 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

As a councillor you should:

3.1 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. 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 you should:

4.1 not disclose information:

- a. given to you in confidence by anyone
- b. acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, unless
  - i. you have received the consent of a person authorised to give it.
  - ii. you 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. you have consulted the Monitoring Officer prior to its release.

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

4.3 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 you should:

5.1 not bring your role or the local authority into disrepute. As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or 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 you should:

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

## 7. Use of resources

As a Councillor you should:

7.1 not misuse council resources.

7.2 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 you 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 the Council's policies regarding their use.

## 8. Complying with code of conduct

As a councillor you should:

8.1 undertake Code of Conduct training provided by the Council.

8.2 cooperate with any Code of Conduct investigation and/or determination.

8.3 not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

## 9. Interests

As a councillor you should:

9.1 register and disclose your interests. Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the Council. 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 the Monitoring Officer.

## 10. Gifts and hospitality

As a councillor you should:

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 your 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 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 the Monitoring Officer or Town Clerk for guidance.

10.3 register with the Town Clerk any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.

10.4 register with the Town Clerk any significant gift or hospitality that you have been offered but have refused to accept.



## **APPENDICES**

### **APPENDIX A**

#### **The Seven Principles of Public Life**

The principles are:

##### **Selflessness**

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

##### **Integrity**

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

##### **Objectivity**

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

##### **Accountability**

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

##### **Openness**

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

##### **Honesty**

Holders of public office should be truthful.

##### **Leadership**

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

## APPENDIX B

### Registering Interests

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

"Disclosable pecuniary interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

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

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is 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 you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.
4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1, you must make a verbal declaration of the existence and nature of the interest at, or before, the consideration of the item of business. You must not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.



## **Disclosure of Other Registerable Interests (Personal Interests)**

5. Where a matter arises at a meeting which directly relates to one of your Other Registerable Interests (as set out in Table 2), you must make verbal declaration of the existence and nature of that interest at, or before, the consideration of the item of business or as soon as the interest becomes apparent. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

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

6. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business as soon as the interest becomes apparent. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

7. Where a matter arises at a meeting which affects:

- a. your own financial interest or well-being.
- b. a financial interest or well-being of a friend, relative, close associate; or
- c. a body included in those you need to disclose under Disclosable Pecuniary Interests as set out in Table 1 you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

8. Where a matter affects your financial interest or well-being:

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

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

### **Table 1: Disclosable Pecuniary Interests**

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

#### **Subject Description**

##### **Employment, office, trade, profession or vocation**

Any employment, office, trade, profession or vocation carried on for profit or gain.

##### **Sponsorship**

Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

##### **Contracts**

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

(a) under which goods or services are to be provided or works are to be executed and

(b) which has not been fully discharged. Land and Property Any beneficial interest in land which is within the area of the council.

'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.

## **Licenses**

Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.

## **Corporate Tenancies**

Any tenancy where (to the councillor's knowledge):

- (a) the landlord is the council; and
- (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director\* of, or has a beneficial interest in the securities\* of. Securities Any beneficial interest in securities\* of a body where:

- (i.) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and

- (ii.) either:

- a. the total nominal value of the securities\* exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - b. 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 Interest**

You must register as an Other Registrable Interest:

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

(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

## **PROTOCOL ON MEMBER/OFFICER RELATIONS**

### **Introduction**

1.1 The purpose of this protocol is to guide Councillors and officers of the Council in their relationships with one another. The third report on the Committee on "Standards in Public Life", chaired by Lord Nolan, recommended that "Every local authority should have its own written statement or protocol governing relations between members and officers" (Rec 20).

1.2 Given the variety and complexity of such relations, this protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues which can arise. In some instances, the protocol may not refer to particular situations or be sufficient to resolve a particular situation and this should be dealt with under Section 7.0 "Unresolved Issues". However, it is hoped that the general approach detailed in the protocol will serve as a guide to dealing with those issues. It is hoped however that the approach which it adopts to these issues will serve as a guide dealing with any issues not specifically referred to.

1.3 This protocol is, to a large extent, no more than a written down statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty. If the advice is followed it should also ensure that Councillors receive objective and impartial advice, and that Councillors and Officers are protected from accusations of bias and any undue influence.

1.4 This protocol also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Councillors and Officers. The shared object of these Codes is to enhance and maintain the integrity (real and perceived) of local government and they therefore demand very high standards of personal conduct.

1.5 Councillors and Officers have distinct roles with the Council. Councillors are responsible to the electorate and serve only so long as their term of office lasts, Officers are responsible to the Council. Their job is to give advice to Councillors and the Council and to carry out the Council's work under the direction and control of the Council and its Committees. Mutual respect between Councillors and Officers, both personally and for the roles which each perform, is essential to good local government. It is important that in all dealings between Councillors and Officers that both should observe reasonable and consistent standards of courtesy and that neither party should seek to take advantage of their position.

1.6 In the Code of Conduct for Members adopted by the Council it is provided that Members have a general obligation "to treat others with respect and not to do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf, the authority".

1.7 A breach of this protocol by a Councillor may constitute a code of conduct breach.

1.8 A breach of this protocol by an Officer may constitute a disciplinary offence and could result in dismissal.

## 2 Officer Advice to Party Groups

2.1 The support provided by such Officers can take many forms, ranging from a briefing meeting with a chair or spokesman prior to a committee meeting, to a presentation to a full party group meeting. Whilst in practice such Officer support is likely to be in most demand from whichever party group (if any) is for the time being in control of the Council, such support is available to all party groups.

2.2 Certain points must however be clearly understood by all those participating in this type of process, Councillors and Officers alike. In particular: -

(a) Officer support in these circumstances must not extend beyond providing information and objective advice in relation to matters of Council business.

Officers must not be involved in advising on matters of party business.

(b) party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council.

Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and

I similarly, where Officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Council decision making body when the matter in questions is considered.

## 3.0 Officer/Councillor Relationships

3.1 It is important that there should be close working relationships between Councillors and Officers in certain instances, for example between the chair of a committee or sub-committee and the relevant Manager or statutory officer. It is clearly undesirable, however, that such relationships should be allowed to become so close or appear to be so close as to bring into question the Officer's ability to deal impartially with other Councillors and other parties.

3.2 Close personal familiarity between Officers and individual Councillors can damage the relationship and prove embarrassing to other Councillors and Officers. It is not enough to avoid actual impropriety. Councillors and Officers should at all times avoid occasion for suspicion and any appearance of improper conduct.

3.3 Whilst paragraphs 3.1 and 3.2 state or infer that close personal familiarity between individual Councillors and Officers should be avoided this is not an absolute bar an Officers having a close personal relationship with Councillors.

**“Relationship”** for these purposes includes any family business or close personal relationships. The Council recognises that there may be social or personal relationships between Councillors and Officers which commenced before or after a Councillor is elected to the Council or before or after an Officer became appointed by the Council. Irrespective of when the relationship commenced the effect on the operation of the Council of such relationships will of course depend upon the roles and responsibilities of the Member and Officer involved.

#### 4. Undue Pressure

4.1 In their dealings with Officers, Councillors need to be aware that it is easy for Officers to be overawed and feel at a disadvantage. Such feelings can be intensified where Councillors hold official and office.

4.2 A Councillor should not apply undue pressure on an Officer either to do anything that they are not empowered to do, or to undertake work, outside normal duties or normal hours or to allow or aid the Councillor to do something which the Councillor is not authorised to do. Particular care needs to be taken in connection with the use of Council property and services.

4.3 Similarly, an Officer must neither seek to use undue influence on an individual Councillor to decide in their favour nor raise personal matters to do with their job nor make claims or allegations about other staff. Newark Town Council has formal procedures for consultation Whistleblowing, along with Grievance and Discipline. As an exception to this provision an employee may raise issues (other than those relating to the employee's employment with the Council) relating to Council business where the Councillor is the local ward Councillor of the employee concerned.

4.4 Whilst the chair of a committee or subcommittee will routinely be consulted as part of the process for drawing up the agenda for a forthcoming meeting it must be recognised that in many situations an Officer will be under a duty to submit a report on a particular matter. Similarly, an Officer will always be fully responsible for the contents of any reports submitted in his or her name. Any issues which cannot be resolved as the result of discussion/negotiation between the Chair and an Officer in this area should be referred to the Town Clerk for resolution. Where individual Councillors wish to place an item on an

agenda, they should notify the appropriate meeting Chair or Town Clerk and comply with the timetable set out in the Council's Rules.

## 5. Correspondence

5.1 Correspondence between an individual Councillor and an Officer should not normally be copied by the Officer to any other Councillor. Where it is necessary to copy the correspondence to another Councillor this should be made clear to the original Councillor.

5.2 Official letters or electronic communications on behalf of the Council should normally be sent out in the name of the appropriate Officer rather than in the name of a Councillor.

Letters which for example create obligations or give instructions on behalf of the Council should never be sent out in the name of a Councillor.

## 6. Venue of Meetings

6.1 Normally, meetings between Officers and Elected Members whilst acting in their official capacity should not take place in the home or business premises of the Elected Member or in a venue that the Officer otherwise considers to be inappropriate.

6.2 Where such a meeting does take place in the home or business premises of the Elected Member, the Officer shall notify the Town Clerk or the relevant Senior Officer of the date and time of the meeting and shall provide a summary of the issues discussed.

## 7. Unresolved Issues

7.1 Any breaches of this protocol or any issues remaining unresolved after consideration of the application of the protocol or any issues arising in respect of its interpretation shall be referred to the Leader of the Council and Town Clerk for resolution who, if they consider further action is required, shall refer the matter to the Monitoring Officer for determination. In the case of an Officer, the Disciplinary Policy will be implemented.



## **PROTOCOL FOR MEMBERS ON HOSPITALITY AND GIFTS**

### **1. Introduction**

1.1 This guidance is supplementary to the requirements of the Code of Conduct. The Code governs the ethical standards required of members. Specifically, it seeks to ensure that the public role of members is not prejudiced by inappropriate behaviour or association. Members may be offered gifts or hospitality, and it is important that such offers are considered critically. This guidance is intended to assist in determining how to respond to such offers.

### **2. Principles**

2.1 People or bodies may have ongoing contractual relationships with the Council. Equally, people or bodies may need planning permission or other consent from the Council to conduct their affairs. They could seek to secure a sympathetic response from Council Members by the making of gifts. Equally whether or not the intention to secure an advantage is present, an outsider might suspect that an improper advantage is being sought from a member. It is essential that members should consider the offer of gifts or hospitality in that light.

2.2 There are few hard and fast rules governing the acceptance of gifts and hospitality. Clearly if the offer is corrupt, there are criminal implications.

2.3 Members are personally responsible for all decisions connected with the acceptance of gifts or hospitality and for avoiding the risk of damage to public confidence in the authority.

2.4 Members should therefore treat all offers of gifts or hospitality with caution, with a view to not only avoiding impropriety but also any suggestion of impropriety. Members should give the same consideration to offers made to members of their family or friends, which could be viewed as securing an indirect benefit to themselves.

2.5 Although all offers should be treated with caution, there will be occasions where not to accept reasonable gifts or hospitality would prejudice the regular conduct of the Council's business or give offence to persons or bodies of significance to the Council. This is most obviously seen in the context of overseas civic twinning arrangements and similar events where courtesies demand the exchange of reasonable gifts and hospitality and where special arrangements (detailed later) are in place. Equally, it is reasonable to expect

business meetings to be accompanied by modest refreshment should the nature and duration of the meeting demand it. An example would be the provision of a working lunch.

2.6 It is important that the offer and receipt of gifts and hospitality takes place in an open manner. Such openness will serve to remove suspicion and provide accountability. It will also deter the making of inappropriate offers.

### 3. General Guidance

3.1 Whether to accept the offer of a gift or hospitality should be considered in the light of the above principles and the guidance issued pursuant to the Bribery Act 2010.

3.2 Members should never accept a gift or hospitality as an inducement or reward for taking any particular action or for refraining from taking any particular course of action.

3.3 Members should never accept a gift or hospitality if acceptance may be open to misinterpretation.

3.4 Members should never solicit a gift or hospitality in an individual capacity (however this shall not prevent them from seeking grants, sponsorship or other benefits on behalf of the district or the community of their ward area).

3.5 Receiving civic hospitality provided by another public authority is acceptable.

3.6 Receiving tickets for sporting, cultural and entertainment events sponsored by the authority would normally be acceptable but will be dependent on the precise nature of the event and the value of the ticket.

3.7 Members should be particularly alert to any relationship that the person making the offer has to the Council, i.e. whether they have a contractual relationship with the Council or whether they are likely to require a favourable decision from the Council, e.g. a planning permission, a contract or a licence.

3.8 It is acceptable to receive modest gifts on significant occasions, e.g. at Christmas where not to do so would show a lack of courtesy. An example of such a gift might be a diary or a calendar. Receipt of gifts such as a bottle of wine etc would not normally be acceptable but

may, in exceptional circumstances, be dealt with under paragraph 5 "Special Arrangements".

3.9 Accepting modest refreshment such as a working lunch, or hospitality provided as part of an official opening ceremony or similar event would be acceptable.

3.10 It is the responsibility of each individual member to decide whether to accept offers of gifts and hospitality. If in doubt, advice should be sought from the Town Clerk. In exercising their judgement, Members should have regard both to the particular circumstances and as to whether a member of the public, with knowledge of the relevant facts, would reasonably consider its acceptance to be appropriate.

3.11 An important criterion in exercising judgement as to what is acceptable is what interpretation those in the community or the press might reasonably put upon acceptance having full knowledge of the relevant facts.

3.12 Repeated offers of gifts or hospitality from one person, firm or organisation may render unacceptable what would otherwise have been acceptable.

3.13 Particular care should be taken where a member has any involvement in making a decision for placement of a contract or for any decision carrying value for the person or organisation offering the gift or hospitality.

#### 4. Civic Gifts and Hospitality

4.1 It is the responsibility of the Town Clerk to ensure that hospitality for civic events is proportionate to the occasion. A guiding principle in accepting or offering hospitality is whether it is reasonable to expect the hospitality to be reciprocated at a similar level.

4.2 The presumption is that any gifts given to the Chair or Vice-Chair are gifts to the office of the Chair and so belong to the Council. The Town Clerk is the final arbiter of whether such gifts belong to the Council or to the individual occupying the office of Chair. In exercising such judgement, the Town Clerk shall have particular regard as to whether the gifts were given to the office holder in a personal or in an official capacity and the value of such gifts.

4.3 For the avoidance of doubt, the above provisions shall not apply to any gifts donated for the purpose of any raffle or similar fund-raising events organised by the Chair for the purposes of the Chair's charity.

## 5. Special Arrangements

5.1 If a Member receives a gift where the donor is unknown, where it is impracticable to return the gift to the person or organisation making the gift, or where the Member reasonably considers that to return it would cause undue offence, in circumstances where it would otherwise be inappropriate to accept the gift, the Member should deal with the gift in accordance with the procedure set out below.

5.2 The Member must, as soon as practicable after receipt of the gift pass it to the Town Clerk to be donated to the Mayor's Charity. The Town Clerk shall write to the person or organisation making the gift, if known, thanking them on behalf of the Member for the gift and informing them that it has been donated to the Mayor's Charity Fund.

**Newark Town Council**

**Register of Gifts and Hospitality**

**To the Town Clerk**

I (full name) \_\_\_\_\_ being a member of Newark Town Council GIVE NOTICE that I have received the following gift, benefit or hospitality in my official capacity as a member of the Town Council.

**Nature of gift, benefit  
or hospitality:**

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**Name and address (if  
known) of donor:**

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**Approximate value of  
the gift, benefit or  
hospitality:**

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**Signed:**

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**Dated:**

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