

Barnsley Metropolitan Borough Council

Members Code Of Conduct

1. Introduction

- 1.1 The public is entitled to expect the highest standards of conduct from all Members of Barnsley Metropolitan Borough Council.
- 1.2 The Code applies to Members or Co-opted Members of Barnsley Metropolitan Borough Council when they act in their role as a member or as a member of any other body to which you they have been appointed by the Council. The Code sets out the standards of service that are expected from Members and Co-opted Members. In particular, Members should act in an open and transparent manner and should not do anything which would prejudice the reputation of the Council.
- 1.3 It is important for Members to understand their position in regard to the expected standards of conduct, and if in any doubt they should seek guidance. This is important as, in some circumstances, a breach of the Code could be a criminal offence and because any person could make a complaint to the Council if they believe a Member has breached the Code.
- 1.4 This Code is adopted in accordance with the Localism Act 2011.

2. Application and Scope

- 2.1 This Code applies:
 - At formal meetings of the Council, its Cabinet, or any Scrutiny Committee, Regulatory Board, Panel, Area Council or Ward Alliance.
 - When acting as a representative of the Council.
 - In taking any decision as a Cabinet Member or a Councillor.
 - In discharging your functions as a Councillor.
 - At briefing meetings with officers.
 - At site visits.
 - When using social media

3. General Conduct

- 3.1 You should treat others with respect and conduct yourself in a manner which is consistent with the Council's duty to promote and maintain high standards of conduct of Members.
- 3.2 As a Member or Co-opted Member of Barnsley Metropolitan Borough Council you are committed to behave in a manner which is consistent with the following principles:
 - i. **Selflessness –**
You should serve only in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, or those who you are closely associated with.

ii. **Integrity –**

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

You should not disclose information given to you in confidence by anyone or information which you reasonably believe or ought reasonably to be aware is of a confidential nature, unless:

- You have the consent of the person authorised to give it,
- Or you are required by law to do so,
- Or the disclosure is reasonable and in the public interest,
- And you have consulted the Monitoring Officer prior to its release.

iii. **Objectivity –**

You must make decisions based on the information before you, having had regard to any professional advice provided to you and in accordance with your view of the public interest.

You should make decisions on merit, this includes when making appointments, awarding contracts, grants, or recommending individuals for awards or other recognition.

When using or authorising the use by others of the resources of the Council you must ensure that those resources are not used improperly for political purposes and you must have regard to any Code of Publicity made under the Local Government Act 1986.

iv. **Accountability –**

You are accountable to the public for your decisions and actions and the manner in which you carry out your duties. You must co-operate fully and honestly with any scrutiny appropriate to your office or actions.

v. **Openness –**

You must be as open as possible about your actions and those of the authority and should be prepared to give reasons for those actions.

vi. **Honesty –**

You have a duty to declare any private interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interests.

vii. **Leadership –**

You must promote and maintain high standards of conduct by supporting these principles by leadership and by example and should act in a way that secures or preserves the confidence of others.

You must have due regard to the impartiality and integrity of the authority's statutory officers and its other employees.

4. Member Standards of Conduct and Behaviour

- 4.1 The Council has a vision and four core values that were developed to drive cultural change and improvement to support the Council to achieve its priorities and outcomes.
- 4.2 Members should lead by example and ensure that their behaviour and conduct properly reflects and promotes the image that is expected of them and of the Council as a whole and that their dealing with the public and employees is above reproach.
- 4.3 The following standards of conduct are to be observed without prejudice to the generality of your obligations under this Code of Conduct:
- Your dealings with the public and all employees will be conducted on the basis of mutual trust, respect and courtesy.
 - Offensive, abusive, indecent or violent behaviour in any form is unacceptable.
 - Offensive or derogatory language or verbal aggression is unacceptable.
 - Bullying, intimidation or victimisation is unacceptable.
 - Using your official position for sexual favours or unwanted physical contact or to take any action that could be construed as sexual intimidation is unacceptable.
 - Any action that ridicules, threatens or discriminates against an individual because of their; age, disability, gender history, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation is unacceptable.
 - Your dealings with the public, employees and fellow Members whether verbally, or in writing, must be conducted with courtesy at all times.
 - In undertaking your duties as a Councillor, your appearance should be appropriate to the occasion.
 - In carrying out your duties as a Councillor and at official meetings, drunkenness, inebriation or being under the influence of illegal drugs is unacceptable.
- 4.4 There are also a set of defined behaviours for elected members (see Appendix 1) which were developed in line with the Council's vision and values and in accordance with the general conduct principles outlined in section 3 of this Code which governs the behaviours of members.
- 4.5 These standards of behaviours and conduct clearly outline what is expected from you in performing your duties whether in official meetings or in less formal settings when working with partners, the community or employees and failure to adhere to these will be treated as a breach of the Code.
- 4.6 As Members will be aware, breaches of this Code renders you liable to action being taken by the Appeals and Awards Regulatory Board. Failure to observe the conduct and behaviour specified in this Code will render Members liable to disciplinary action being taken by their own political group.

5. Dignity at Work

The policies referred to in sections 5-8 will be taken into account if they are relevant to any allegation of a breach of this Code.

- 5.1 The Council is committed to creating and maintaining a positive working environment where all elected members and employees are treated with dignity, respect and are free from any form of harassment, bullying and victimisation.
- 5.2 The [Dignity at Work Policy](#) sets out guiding principles of workplace behaviour which applies to elected members and employees.

6. Code of Conduct for Employees

- 6.1 The [Code of Conduct for Employees](#) is aimed at ensuring that all employees are aware of the standards of behaviour expected of them by the Council.
- 6.2 The Code covers the protocols for relations between elected members and employees, as well as the expected professional standards of behaviour between them.

7. Social Media Policy

- 7.1 The [Social Media Policy](#) is aimed at ensuring that all employees and elected members get the best out of social media.
- 7.2 The policy sets out guidance for elected members about using social media for council business and in a personal capacity. It also includes guidance on how to report violent or aggressive behaviour on social media channels.

8. Smoking and Drugs and Alcohol Policies

- 8.1 The Council has established a [Smoking and Vaping at Work Policy](#) for employees relating to smoking at work and in public, having regard to the legal position and the role of the Council in promoting healthy lifestyles. In particular, people are expected to remove items that identify them as Council employees, when smoking immediately near Council premises.
- 8.2 The Council has also established a [Drugs and Alcohol Policy](#) for employees to put in place a safe and healthy working environment to ensure that employees are fit to carry out their duties safely and effectively in a working environment which is free from alcohol and drugs misuse. It operates a zero-tolerance policy in respect to consumption of alcohol and illegal drugs during the working day.
- 8.3 Members are in a different contractual position to employees and these policies cannot be applied to them directly. However, Members should consider the potential for reputational damage to themselves and the Council if seen smoking in public or under the influence of excessive alcohol or drugs when on Council business. Members are therefore expected to have due regard to these policies when on Council business.

9. Disclosure of Interests and Participation

- 9.1 If you have any pecuniary or non-pecuniary interest in any matter at any meeting of the Authority or any meeting with officers at which you are present you must disclose that interest and give sufficient details of it so that the nature of your interest is clearly understood.
- 9.2 A pecuniary interest means any interest which affects your financial position whether favourably or adversely and a non-pecuniary interest means any interest which affects your personal wellbeing.
- 9.3 In either case this also includes the position or wellbeing if affected to the best of your knowledge of:
- Anybody of which you are a member or in a position of general control or management;
 - A member of your family or any other person with whom you are closely acquainted;
 - Any person or body who employs or has appointed you or such persons, any firm in which you or they are a partner, or any company of which you or they are directors;
 - Any person or body in whom you or such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000.
- 9.4 Unless a dispensation has been granted you should not take part in or vote on any item of business at any meeting of the Authority where your interest is a “disclosable pecuniary interest” which you are required to register in accordance with regulations made by the Secretary of State as listed in Appendix 1 to this Code, and you should withdraw from the meeting during the consideration of that item.

10. Registration of Interests

- 10.1 You must within 28 days of taking office as a Member or Co-opted Member notify the Monitoring Officer for entry on the Council’s Register of Members’ Interests any “disclosable pecuniary interest” as defined in regulations made by the Secretary of State, as listed in Schedule 1 to this Code, where that interest is yours, that of your spouse or civil partner, or that of somebody with whom you are living as husband and wife or as if you were civil partners. Your interests and those of your spouse / partner are subject to inspection by the public and will be published on the Council’s website.
- 10.2 In addition you must, within the same time periods, notify the Monitoring Officer of any pecuniary or non-pecuniary interest which the Council has decided should be included in the Register of Members’ Interests as listed in Schedule 2 to this Code.

- 10.3 You must also notify the Monitoring Officer within 28 days of any such interest arising for the first time. In addition, you must review your Register of Interests at least every 12 months, on the receipt of a request to do so from the Monitoring Officer or their team. You must inform the Monitoring Officer immediately in the event of any new or changed interests.
- 10.4 Members must notify the Monitoring Officer of any gift, benefit or hospitality with a value in excess of £50, or accumulatively in excess of £50 from the same source over the four-year term of office which you have been offered as a member, from any person or body other than the Authority within 28 days of receipt. Members must make their declarations by completing a Members Registration of Receipt of Gift or Hospitality Form, which will be checked and signed by the Monitoring Officer. Those details will be available for inspection by the public and will be displayed on individual Member's webpages.

Members must 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. Any money, gift or consideration received from a person or organisation holding or seeking to obtain a contract with the Local Authority will be deemed to have been received corruptly. Section 117(2) of the Local Government Act 1972 makes it an offence for anyone to accept any fee or reward whatsoever other than their normal remuneration. This is in addition to any disciplinary action that may be taken by the Authority.

Gifts received from other parts of the Council, other public bodies, individuals, companies, suppliers or contractors must be recorded. This includes hospitality such as, bottles of wine, spirits, gift vouchers, hampers, complementary tickets to entertainment events for example, concerts or sporting events, meals, drinks, accommodation and travel. Any form of Hospitality received (or given) must be appropriate to the circumstances and justifiable.

It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. These rules must be strictly observed and, if in doubt, consult with the Monitoring Officer.

It is recommended that where a member refuses any gift or hospitality offered to them or to their partner in connection with their position as an elected member/representative of the Council, the member should notify the Monitoring Officer of the refusal as soon as reasonably practicable.

Members will be asked annually to declare that no Gifts and Hospitality have been received and this declaration will be displayed on their webpage.

11. Declaration of Relationships

- 11.1 In order to demonstrate transparency in the way that the business of the Council is conducted and to avoid collusion, Members must complete a Declaration of Relationship form within 28 days of taking office. This will identify any close personal or family relationships that the Member has with any other Members or

Officers of the Council. The form will be made available internally to senior officers, in line with arrangements for employees. Forms for this purpose are available from Members' Services.

12. General Awareness of other Council Policies and Procedures

- 12.1 Councillors will be aware of the suite of policies and procedures the Authority has in place regarding whistleblowing, anti-fraud, corruption and bribery and anti-money laundering. All Councillors are expected to ensure they are aware of the provisions of these policies and procedures and the extent to which they apply to them. Advice on these can be given by Internal Audit.

Appendix 1

Disclosable Pecuniary Interests

a) Employment, office, trade, profession or vocation

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

b) Sponsorship

Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the member in carrying out duties as a member, or towards the election expenses of the member.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).

c) Contracts

Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:

- Under which goods or services are to be provided or works are to be executed,
- And which has not been fully discharged.

d) Land

Any beneficial interest in land which is within the area of the relevant authority. This includes your home.

e) Licences

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

f) Corporate Tenancies

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

- The landlord is the relevant authority,
- And the tenant is a body in which the relevant person has a beneficial interest.

g) Securities

Any beneficial interest in securities of a body where:

- That body (to the member's knowledge) has a place of business or land in the area of the relevant authority,

- And either -
 - (i) The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body,
 - (ii) Or if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of that total issued share capital of that class.

Appendix 2

Other Interests required to be registered

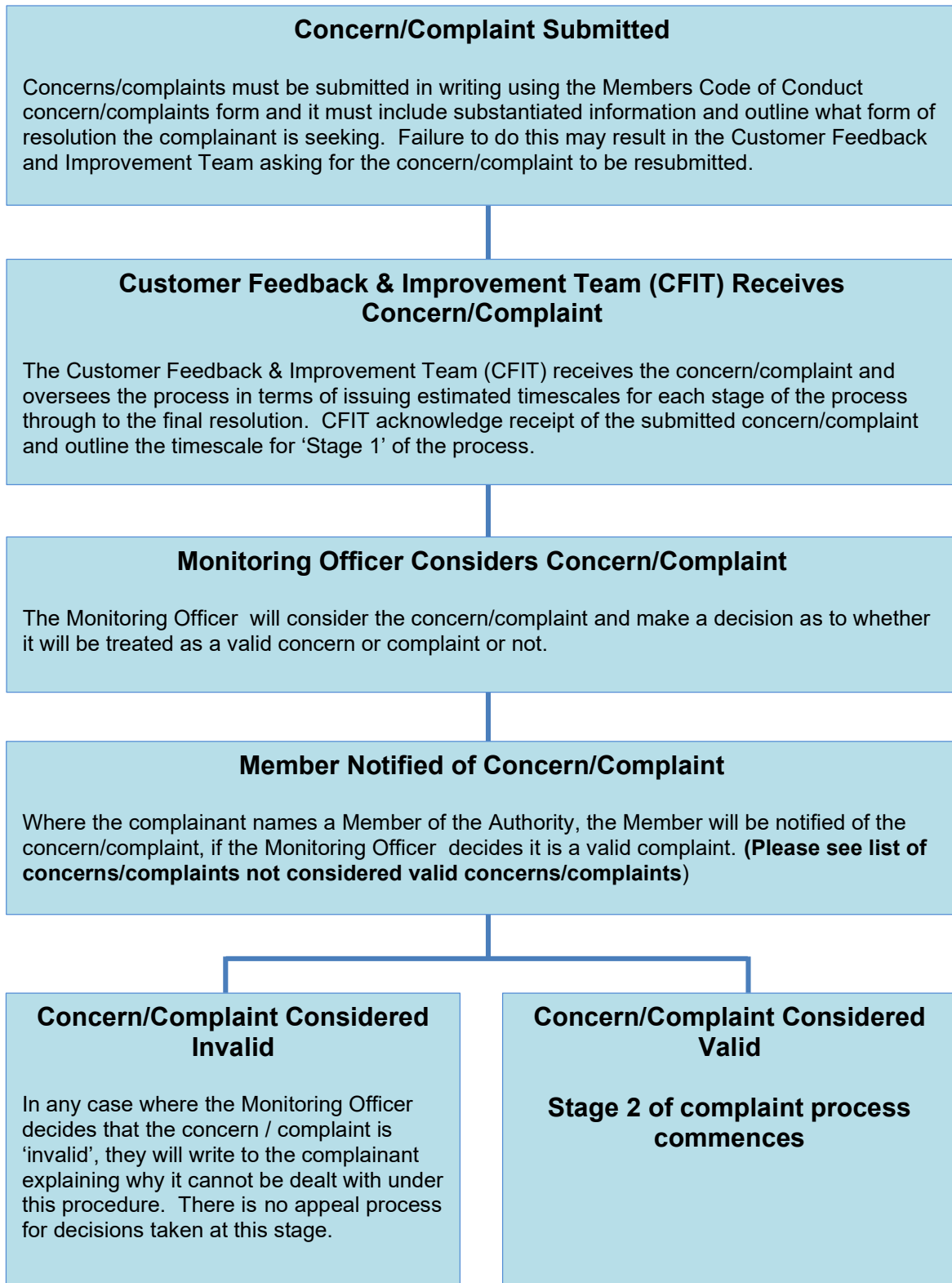
Membership of any Body:

- To which you are appointed or nominated by the Authority.
- Or exercising functions of a public nature, including membership of a School Governing Body.
- Or dedicated to charitable purposes.
- Or one of whose principal purposes includes the influence of public opinion or policy (including any political party and trade union).
- Membership of a private club or society.
- Membership of any organisation which promotes secrecy amongst its membership.

Appendix 3

Members Code Of Conduct Concern/Complaints Procedure

Stage 1: Initial Assessment



Stage 2: Informal Resolution

Concern/Complaint Considered Valid

Following the initial assessment, if the Monitoring Officer decides that the concern/complaint should be treated as a 'valid' they will write to the complainant and explain that the matter is to be referred to the subject Member and the Monitoring Officer who will seek to resolve the issue in accordance with this procedure. The complainant will also be provided with an outline of the procedure for dealing with concerns/complaints against Members.

Timescale Given to Resolve Complaint

At the same time the Monitoring Officer will refer the matter to the subject Member and the relevant Group Whip for their consideration. The Monitoring Officer will within a reasonable timescale of 28 days to attempt to resolve the complaint and will provide the subject Member with the contact details for the Independent Person.

Types of informal resolution might include:

- a. An explanation by the subject Member of the circumstances surrounding the complaint;
- b. An apology from the subject Member;
- c. An agreement from the subject Member to attend relevant training or to take part in a mentoring process;
- d. Offering to engage in a process of mediation or conciliation between the subject Member and the complainant; or
- e. Any other action capable of resolving the complaint.

Before deciding upon a course of action the subject Member may seek guidance from a Group Whip, the Independent Person, and/or the Monitoring Officer. It may also be advisable for the Monitoring Officer to seek advice from the complainant to ascertain what form of informal resolution they would find acceptable, particularly if the form of resolution they have specified in their concern/complaint is not possible.

The Independent Person is available to the subject Member to give them advice on the severity of the complaint and what form of resolution they would consider appropriate. Providing such guidance will not prevent the Independent Person from giving a view to the Standards Panel about the concern/complaint at a later stage. The complainant shall also be given the opportunity to consult the Independent Person. The Monitoring Officer will also consult with the Independent Person as appropriate.

End of Timescale Reached

At the end of the 28-day period the Monitoring Officer will, in consultation with the Chair of the Appeals and Awards Regulatory Board, seek to establish whether the subject Member or Group Whip has appropriately addressed matters which have been raised by the complainant. The Monitoring Officer shall consult the Independent Person as appropriate.

Concern/Complaint Resolved

Where the subject Member has appropriately addressed the matters raised there will be no further action taken in respect of the concern/complaint and the Monitoring Officer will notify both the complainant and the subject Member of this decision.

Complaint Not Resolved

Where it has not been possible to appropriately address matters, the Monitoring Officer shall determine whether any further action is appropriate in respect of the complaint. The concern/complaint may be referred to the Standards Panel for preliminary consideration as to whether any further action is appropriate. The Monitoring Officer will notify both the complainant and the subject Member of the decision.

Stage 3: Standards Panel

Report Prepared

If it is considered that further action is appropriate the Monitoring Officer will appoint an officer or other person to undertake an investigation and prepare a report. The report shall be considered by a Panel of three members selected from the membership of the Appeals and Awards Regulatory Board by the Monitoring Officer in consultation with the Chair of the Board. Any Panel shall contain at least one member who is not a member of the same Political Group as the member who is the subject of the complaint. In the event that the complaint relates to a Parish Councillor, a Parish Council representative appointed by the Council shall be invited to attend the Panel on an advisory basis, but such a representative shall not be entitled to vote.

Meeting Arranged

The Monitoring Officer must arrange for a meeting of the Board to be convened to consider the Investigating Officer's report of the concern/complaint. Wherever possible the meeting will take place within 28 days of the report being finalised. The Monitoring Officer will be present to advise the Board.

The following people will also be invited to attend the Board meeting:

- a. The complainant;
- b. The subject Member

The Investigation Officer will also attend the meeting in order to present their report.

Meeting Commences and Report Considered

After initial consideration of the Investigation Officer's report, the Panel will consider any representations from the following parties either in person or in written form if the person is unable to attend the meeting:

- a. The complainant
- b. The subject Member

The Panel may also ask questions of anyone present at the meeting in order to reach a conclusion on the concern/complaint and in particular whether or not there has been a breach of the Code of Conduct. Before reaching a final decision, the Panel must enquire and take account of, the view of the Independent Person in relation to the concern/complaint.

Complaint Dismissed

If the Board concludes that, on the balance of probabilities, the subject Member did not fail to comply with the Members' Code of Conduct, this will conclude the process. In such cases no further action will be taken in respect of the concern/complaint, although the Board may still wish to consider making a recommendation to the authority with a view to promoting and maintaining high standards of conduct in general. Such recommendations may include proposed changes to internal procedures and practices or training for Members in general.

Complaint Upheld

If the Board concludes that, on the balance of probabilities, the subject Member has failed to comply with the Members' Code of Conduct, the Board must go on to consider whether action should be recommended to the Council in respect of the subject Member, and what form of action might be appropriate.

Formal Recommendation

In the event that the allegation is upheld (i.e. the Panel determines that the member has failed to comply with the Code of Conduct) the Panel may recommend to the Council that further action be taken in accordance with the general powers available to the Authority which may include as appropriate or applicable:

- a. The passing by the Council of a formal motion of censure
- b. Removal by the Council from the membership of any Area Council, Ward Alliance or Regulatory Board or appointment to any Joint Authority either:
 - i. for a prescribed period, which may extend beyond any one municipal year
 - ii. for the remainder of the municipal year
 - iii. for the duration of the remaining term of office of the member concerned
- c. Removal by the Executive Leader from the role of Cabinet Spokesperson, Cabinet Support Member or Area Council Chair

(Note: this would result in the cessation for the relevant period of any Special Responsibility Allowance that may be payable under the Scheme of Allowances)

- d. The voluntary renunciation by the member concerned of the receipt of Basic Allowance or any Special Responsibility Allowance:
 - i. for a prescribed period, which may extend beyond any one municipal year
 - ii. for the remainder of the municipal year
 - iii. for the duration of the remaining term of office of the member concerned
- e. Disconnection from the access to the Authority's network
- f. Denial of access to the Town Hall or to any other operational building of the Authority:
 - i. for a prescribed period which may extend beyond any one municipal year
 - ii. for the remainder of the municipal year
 - iii. for the duration of the remaining term of office of the member concerned
- g. Prohibition from having contact with one or more identified officers:
 - i. for a prescribed period which may extend beyond any one municipal year
 - ii. for the remainder of the municipal year
 - iii. for the duration of the remaining term of office of the member concerned

Any such recommendation shall appear on the Summons at the next meeting of the Council for deliberation and such debate shall take place with the press and public entitled to be present although the identity of any complainant or any information which may reveal the identity of any such complainant shall not be disclosed in any such recommendation or referred to during such debate.

Member Notified of Final Decision

Within five working days of the meeting the Chair of the Committee will write to the complainant and the subject Member explaining the final decision of the Committee and detailing any recommendations made.

There will be no right of appeal against a decision of the Committee.

Concerns/Complaints Not Considered As Valid

The following types of complaint will **not** be considered as 'valid complaints' under this procedure:

- a) Complaints which are submitted anonymously ^{1 2};
- b) Complaints which do not identify a subject Member;
- c) Complaints which relate to a Member's personal or private life;
- d) Complaints concerning a failure to respond to a request from a constituent or other individual;
- e) Complaints which relate to the alleged actions of employees of the Council or non-voting co-optees;
- f) Complaints which relate to a decision of an employee or a Committee;
- g) Complaints which relate to a person who is no longer a Member of the Council or which refer to alleged incidents before the person became a Member of the Council;
- h) Complaints which refer to alleged incidents which happened so long ago that there would be little benefit in taking action now;
- i) Complaints containing trivial allegations, or which appear to be simply malicious, politically motivated or tit-for-tat;
- j) Complaints regarding alleged behaviour which has already been the subject of an investigation or some form of action;
- k) Complaints which relate to an alleged failure to comply with the rules regarding 'Disclosable Pecuniary Interests'³;
- l) Complaints which do not relate to the Members' Code of Conduct.

¹ *Concerns/Complaints which contain a request for the complainant's identity to be withheld may be considered to be 'valid complaints', although the complainant's identity will only be withheld in exceptional circumstances. If the Monitoring Officer does not consider it appropriate to withhold the complainant's identity, the complainant will be given the opportunity to withdraw their complaint before it proceeds to the next stage.*

² *Anonymous concerns/complaints which reveal potential fraud or corruption will be referred to Internal Audit for consideration under the Council's adopted Whistle blowing Policy.*

³ *Such concerns/complaints will be redirected to the South Yorkshire Police, subject to the complainant's agreement.*

Document Control

Approval by:	Full Council
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Author:	Service Director Business Improvement, Human Resources & Communications
Owner:	Monitoring Officer
Revised/Updated:	10 th January 2023
Brief Reason for Change:	Updated guidance regarding Gifts and Hospitality.
Version Control	V8

Our Values and Behaviours

Our Values:



We're a Team

We all work together towards the same goal – to make Barnsley a better place for the people who live, work and visit here



We're Honest

We always say what we mean. Most of all we're reliable, fair and true



We'll be Excellent

We work really hard to provide the best quality and value for money for the people of Barnsley. Only our best is good enough



We're Proud

We're dedicated to making Barnsley a better place. We take pride in our work

Elected Members' Pledge - As elected members we will:

Work collaboratively to build strong working relationships to ensure effective and efficient services are provided to the people of Barnsley.

Engage constructively with others, respecting different points of view, adapting our own approach to achieve consensus and agreement.

Build good relationships with other colleagues and officers by working collaboratively to achieve shared goals and priorities.

Working proactively to create partnerships with different sections and groups in the community in order to ensure their involvement in decision making and planning.

Communicate honestly and openly, constructively challenging and offering different perspectives for different and improved ways of working.

Be honest, trustworthy and reliable, taking responsibility and accountability for our own actions and decisions.

Encourage trust and understanding between individuals and groups by mediating fairly and constructively by representing all sections of the community.

Be aware of the effects of our own behaviour and actions on others and make reasonable and manageable demands to ensure co-operation and involvement.

Promote an effective working environment with colleagues, officers, partner organisations and members of the public and be flexible in providing solutions to deliver improvements and resolve issues.

Drive continuous improvement by taking ownership and responsibility to improve the way things are done, supporting, motivating and empowering others to achieve their full potential.

Actively engage and encourage the community to participate in the services they receive, to help the Council improve the quality of its services and make best use of its resources.

Acts as a critical friend by identifying opportunities for scrutiny inside and outside the Council and by providing constructive challenge and feedback to ensure delivery of high performing, quality services.

Consistently articulate and actively model the Council's core values, demonstrating through example, the pride in being an elected member and representing the interests of Barnsley's communities.

Act as an ambassador and advocate of the Council, building a culture that delivers the best results for Barnsley and its communities.

Drive forward community participation to create stronger more resilient communities who collectively are committed to improving their local area and the town of Barnsley.

Empower communities to be proud of their areas and to help them shape local services to meet the need of the area.