



MEMBERS OF ODIHAM PARISH COUNCIL ARE SUMMONED TO ATTEND THE FULL COUNCIL MEETING OF ODIHAM PARISH COUNCIL TO BE HELD IN THE LIBRARY ROOM, THE BRIDEWELL, THE BURY, ODIHAM, RG29 1NB ON 16th NOVEMBER 2021 COMMENCING AT 7.30pm

10th November 2021

Andrea Mann, Parish Clerk

Members of the public are welcome to attend and are asked to adhere to all Government Covid guidelines which are still in place at the time of this meeting.

- 133/21 To receive apologies for absence**
- 134/21 To receive declarations of interests and requests for dispensation relating to any item on the agenda.**
- 135/21 Approval of Minutes**
To approve the minutes of the full Council meeting held on 19th October 2021 (112/21-132/21).
- 136/21 Chair's Announcements**
- 137/21 Public Session**
An opportunity for residents to raise questions and issues within the Parish in accordance with Standing Orders. Please view details at <https://odihamparishcouncil.gov.uk/council/policies-and-publications> or contact the Parish Office for further advice.
- 138/21 Previous Committee Minutes**
To receive and NOTE the following minutes previously circulated to Members:
- Planning & Development Committee held on 5th October.
- Finance Committee held on 20th July 2021.
- Staffing Committee held on 28th July 2021.
- 139/21 To consider Matters Arising from the Minutes not elsewhere on the agenda (pages 4-5)**
- 140/21 Verbal update on The Bridewell Freehold Transfer**
To receive a verbal update.
- 141/21 Policy Reviews (pages 6-31)**
To review the following policies as part of the rolling review programme:
i) Statement of Internal Controls – new policy, referred from previous meeting. (pages 6-9)



- ii) Councillor Code of Conduct – a new Code of Conduct is presented for consideration in line with Hart’s new Code of Conduct, adopted September 2021. (pages 10-31).

142/21 Crownfields NP development site S106 agreement (emailed to Councillors separately)

To note and accept the draft terms and subsequent clarification from Hart DC relating to OPC in the draft S106 agreement. Cllr Verdon to update.

143/21 Climate Change Action Plan and Environment and Climate Change Working Group (pages 32-34)

- i) To review and accept Cllr McFarlane’s report proposing a Climate Change Working Group (pages 32-33).
- ii) Subject to decision in i), to review and accept the proposed Climate Change Working Group Terms of Reference (page 34).

144/21 “20 is Plenty” schemes

To consider supporting a campaign for “20 is plenty” speed restrictions on local roads following a request from a resident who will explain the campaign under agenda item 137/21.

This matter was also discussed separately at the Hampshire Association of Local Council’s (HALC) AGM on 6th November. Following debate it was agreed that each parish is different and a blanket 20mph restriction in residential areas wasn’t appropriate. The resolution was to ask HCC for permission to implement local schemes in areas deemed suitable.

Financial Matters

145/21 Queen’s Platinum Jubilee 2022 (page 35)

To approve contract awards as set out in the agenda report.

146/21 November 2021 Payments

To approve the payments listing for November 2021 and appoint two Councillors with signatory rights to complete the payment process. (This listing will be circulated to Councillors by email before the meeting).

Councillor Reports

147/21 Meeting reports from Councillors

To RECEIVE any verbal reports from Councillors on their attendance at outside meetings.

148/21 Reports from other Councils

To RECEIVE any verbal reports from Hart District Councillors and the Hampshire County Councillor representing Odiham.



149/21 **Date of next meeting**
14th December 2021.

Confidential Matters

150/21 **To pass a resolution in accordance with the Public Bodies (Admission to Meetings) Act 1960 to exclude the public and press to consider confidential contractual and staffing matters which meet the criteria of Schedule 12A of the Local Government Act 1972 Part 1.**

151/21 **Review of OPC's Property Portfolio (pages 36-43)**
To continue OPC's review of property and consider a draft heads of terms and tenancy at will for use of the Parish Room, subject to The Bridewell freehold being transferred to OPC.

152/21 **Update from the Clerk's 2021 Appraisal**
Verbal update from Cllrs McFarlane and Verdon.

Full Council				
Date of meeting	Agenda ref no	Cllr to action	Details	Status
OUTSTANDING ON-GOING ITEMS				
August 2021	77/21	Clerk	Change previous minutes from draft and add to website.	Complete
	80/21	Clerk	Add Cllr Ball's appointment to website and complete required admin.	Complete
	81/21	Clerk/Cllrs RC & PV	Set up payments and complete payment approval process.	Complete
	83/21	Clerk/Staffing Committee	Appoint Amenity Officer position.	In progress
Sept 2021	86/21	Clerk	Change previous minutes from draft and add to website.	Complete
	92/21	Clerk	Promote draft Village Centre Action Plan on website & Facebook for public consultation.	Complete
			Include draft Village Centre Action Plan in Autumn newsletter for public consultation.	Complete
	94/21	Clerk/Deputy Clerk	Report back to Council on measures to improve parking at front of the Bridewell.	On agenda
		Clerk/Deputy Clerk	Ensure all pending maintenance issues are resolved before freehold transfer complete & liaise with Councillors.	Ongoing.
	95/21	Clerk/Deputy Clerk	Add Climate Change webpage and list OPC's decision & actions.	Complete
		Clerk/Cllr AMc	Start developing draft Action Plan & invite all Councillors and interested community reps to input.	Complete
	96/21	Clerk	Secure Community Orchard project funding from Hart DC.	Complete
		Clerk/Deputy Clerk	Make arrangements to deliver Community Orchard project in line with timeline.	
		Clerk/Deputy Clerk	Promote project to community in Autumn newsletter and completed project in Spring newsletter.	Complete
		Clerk	Ensure procedure & 2022 budget provision for ongoing maintenance.	
	97/21	Clerk/Cllr PV	Receive feedback from Hart DC on suitable consultation for Conservation Area Appraisals.	Complete
		Clerk/Cllr PV	Add draft Conservation Area Appraisal to website and promote by Facebook.	Complete
		Clerk/Cllr PV	Include draft Conservation Area Appraisal in Autumn newsletter.	Complete
	98/21i	Clerk	Place order for 2 replacement noticeboards on the High Street.	Complete
		Clerk	Place order for preparing High St noticeboard backboard and installing new.	Complete
		Clerk	Complete works.	ETA 22.11.21
	98/21ii	Clerk	Place order for replacement noticeboard at North Warnborough.	Complete
		Clerk	Place order for installing new noticeboard North Warnborough.	Complete
		Clerk	Complete works.	ETA 22.11.21
	98/21iii	Clerk	Place order for bench maintenance - Chamberlain Gardens, War Memorial & rear of the quarry.	Complete
		Clerk	Complete works.	War memorial complete.
	98/21iv	Clerk	Place order for replacement tree in Odiham Cemetery.	Enquiries made.
		Clerk	Complete works.	
	98/21v	Clerk	Place order for Autumn hedge cutting Recreation Ground.	Complete
		Clerk	Complete works.	
	98/21vi	Clerk	Research alternative options for hedge maintenance on Cemetery driveway before placing contact.	On agenda
		Clerk	Place order for Autumn hedge cutting Cemetery driveway.	Complete
		Clerk	Complete works.	
	98/21vii	Clerk	Research alternative options for hedge maintenance Cemetery lawn/Mildmay Court.	On agenda
		Clerk	Report back options to October full Council.	On agenda
	98/21viii	Clerk	Place order for 4 x replacement swing legs (to supersede order for 2 legs, already placed) at Chamberlain Gardens.	Complete
		Clerk	Complete works.	ETA 29.11.21
	98/21ix	Clerk	Place order to remove broken play equipment (Trailblazer) at Chapel Pond Drive and replace.	Complete
		Clerk	Complete works.	Part complete
	98/21x	Clerk	Place order for repairs to guttering King Street toilets.	Complete
		Clerk	Complete works.	Part complete
	98/21xi	Clerk	Place order for repairs to play areas.	Complete
		Clerk	Complete works.	Part complete
		Amenity Officer	Review outstanding play repair items.	
	100/21	Clerk/Deputy Clerk	Update website and circulation lists with Cllr G Ball & C Brown's appointment to committees.	Complete
	103/21	Clerk/Cllr DS	Contact R Goude to inform of OPC's decision to locate suitable site for 3 x compost bins Cemetery Meadow for trial period.	Complete
		Clerk/Cllr DS	Monitor project for H&S issues and success.	
	104/21	Clerk, Cllrs JW & PV	Set up payments and complete payment approval process.	Complete
	109/21	Clerk	Notify L Cornwall of OPC's decision to accept Bridewell plans, in principle.	Complete
		Clerk/Working Group	Set up Working Group to start drafting Vision Statement for Bridewell. Invite L Cornwall.	

Full Council				
Date of meeting	Agenda ref no	Cllr to action	Details	Status
OUTSTANDING ON-GOING ITEMS				
		Clerk/Committee Chairs	Arrange Zoom discussion with Committee Chairs to review budgets & balances and consider any recommended virements.	Complete
	110/21	Clerk/Chair	Respond to OCC re expression of interest relating to OPC's Asset Portfolio.	Complete
		Clerk/Working Group	Continue research on OPC's Asset Portfolio in line with exempt filenote.	Ongoing.
Oct 21	113/21i	Clerk	Change previous minutes from draft and add to website.	Complete
	113/21ii	Clerk	Revise text as agreed in July minutes.	Complete
	118/21	Clerk	Add Cllr Coleman to Staffing Committee and add all committee memberships to website.	Complete
	119/21	Clerk	Respond to member of public with OPC's agreed response on aircraft noise data.	Complete
	120/21i	Clerk	Award contract to Larkstel for cemetery driveway hedge works.	Complete
			Complete works.	
	120/21ii	Clerk	Award contract to Larkstel for cemetery lawn hedge works.	Complete
			Complete works.	
	121/21	Clerk	Withold part payment and seek reduction in HCC quarterly rental.	Complete
		Clerk	Progress enquiries with HCC re front curtilage.	
	122/21i	Clerk	Add revised Financial Regs to website.	Complete
	122/21ii	Clerk	Add revised Reserves Policy to website.	Complete
	122/21iii	Clerk	Refer Internal Controls back to next meeting.	On agenda
	125/21	Clerk	Complete BACS transfer to Cllr Fraser.	Complete
		Cllr AF	Complete purchase & distribution of Christmas vouchers.	
	126/21i	Clerk	Complete virement from Chapel Maintenance to The Bridewell on Scribe.	Complete
	126/21	Clerk	Complete virement from unspent events' budgets to a new Queen's Platinum Jubilee budget on Scribe.	Complete
	127/21ii	Clerk	Promote Hart's Heritage book promotion on OPC's website & Facebook.	Complete
	130/21i	Clerk	Continue legal research on the potential disposal of an OPC asset.	Ongoing
	130/21ii	Clerk	Offer and complete process for the Chapel Cottage tenancy.	Complete
	131/21	Clerk	Develop clearer policy on residents & non-residents burial fees.	



STATEMENT OF INTERNAL CONTROLS

Adopted on ??????

Introduction

Odiham Parish Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for as well as being used economically, efficiently and effectively. In discharging this overall responsibility, the Council is also responsible for ensuring that there is a sound system of internal control which facilitates the effective exercise of the Council's functions and which includes arrangements for the management of risk.

The System of Internal Control

The system of internal control is designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies, aims and objectives. It can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to:

- a) identify and prioritise the risks to the achievement of the Council's policies, aims and objectives
- b) evaluate the likelihood of those risks being realised and the impact should they be realised
- c) manage them efficiently, effectively and economically.

The Council's Internal Controls

Decisions

The Council has elected a Chair who is responsible for the smooth running of meetings and a Parish Clerk to advise the Council for ensuring that all Council decisions are lawful.

Responsibility

The Finance Committee meets at least quarterly and reviews and recommends all OPC's financial matters, unless required by full Council as specified by law.

The Council carries out regular reviews of its internal controls, systems and procedures.

The Committees carry out regular reviews of their relevant budget codes and recommends budget provision in line with their committee's service provision and strategic aims.

OPC has adopted a Strategic Plan which is regularly reviewed by the Strategy Working Group.

Budgets and Precepts

OPC reviews its obligations and objectives before determining the level of precept and individual budgets for the following financial year. All Councillors are invited to a budget workshop and the Finance Committee reviews the draft budget before being presented to full Council at its January meeting.

Management of Financial Records

OPC employs a Parish Clerk who acts as the Responsible Finance Officer where specified in law. The Parish Clerk holds qualified Clerk's status and is responsible for advising the Council, processing payments and preparing financial records.

The Parish Clerk is responsible for managing Scribe, OPC's chosen accounts program, which is used to record payments, manage OPC's budgets, generate reports, reconcile accounts, complete the end of year audit papers and to submit VAT returns to HMRC.

Payments

In most cases, invoices are input into Scribe and a monthly Payments Listing presented to full Council or the Finance Committee, whichever is sooner, for decision before payments are made. Where urgent payments are required to meet contractual obligations, the Clerk may seek approval from cheque signatories by email and payments are reported to the next available meeting.

Payments are made by BACS from OPC's main current account, Unity Trust. Payments are first set up by the Parish Clerk then authorised by two Councillors with cheque signatory rights and OPC aims to rotate those Councillors authorising payments regular basis.

Bank Reconciliations

The Parish Clerk carries out monthly bank reconciliations on all accounts and these are reported to the Finance Committee on a quarterly basis, then countersigned by the Finance Committee Chair.

The Council as an Employer

The Staffing Committee is responsible for monitoring the Staffing budget including recommending the Clerk's salary which is then determined by full Council.

The Parish Clerk is responsible for determining salary levels for other staff in line with budgets and in consultation with the Staffing Committee.

References are obtain for all staff appointments.

OPC is registered with HMRC and uses the HMRC Payroll system to calculate payments. Monthly salary payments are included on the monthly Payments Listing and payments processed by BACS.

Staff may reclaim any purchases made on the Council's behalf, subject to the purchase having been previously been agreed by a line manager.

Staff and Councillors may claim reasonable and justifiable expenses incurred, including as a result of travelling to meetings/training/events which have been agreed by a line manager:

- For cars - 45p per mile up to 10,000 mile.
- Meal allowance: up to £10.00 per day and up to £25.00 per 24 hour period when an overnight stay is required.

Expense reclaim forms are countersigned by the Parish Clerk or the Chair of the Council.

Management of Risk

OPC has a Council Risk Assessment which is reviewed and agreed by full Council every year.

OPC appoints an independent Internal Auditor who reports to the Council on the adequacy of its: financial records, procedures, systems, internal control and management of risk. This appointment is reviewed and agreed annually.

OPC is subject to an annual, external, Intermediate Audit Review which is undertaken by the Council's External Auditors, PKF Littlejohn.



ODIHAM PARISH COUNCIL CODE OF CONDUCT

Adopted on ??????

INTRODUCTION AND CONTENTS

This Code of Conduct (the Code) applies to every elected member and co-opted member¹ of Odiham Parish Council. As a Councillor, it is your responsibility to make sure that you are familiar with, and that your actions comply with, its provisions.

The Code does not apply to the actions of the authority as a whole, nor to the conduct of its officers and employees. It also does not cover matters under the Localism Act 2011 where criminal sanctions apply.

The Code is not intended to be an exhaustive list of all the obligations that are placed on Members. Councillors hold public office under the law and must observe the rules of conduct stemming from the law, this Code, and the rules, standing orders and regulations of the Council. It is your personal responsibility to comply with these and review regularly, at least annually, particularly when your circumstances change. You must not, at any time, advocate or encourage any action contrary to the Code.

A very clear line, however, must be drawn between this Code's requirements of respect for others, including those with opposing views, and the freedom to disagree with the views and opinion of others. In a democracy, members of public bodies should be able to express disagreement publicly with each other. Nothing within this Code seeks to stifle free speech.²

¹ Co-opted member is a person who is not an elected Member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council and who is entitled to vote on any question that falls to be decided at that meeting of that committee or sub-committee

² You will not be censured just because an individual dislikes or disagrees with what you say; standards in public life do not extend to adjudicating on matters of political debate. Controversial issues must be able to be raised in the public sphere, and you should have their right to form and hold opinions respected. European Convention on Human Rights (ECHR) Article 10 rights to freedom of expression must be respected by councils when adjudicating on potential misconduct, considering the increased protection given to political expression (see Advice Note attached)

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KEY PRINCIPLES OF THE CODE OF CONDUCT

The following general principles³ upon which this Code of Conduct is based should be used for guidance and interpretation only. They define the standards that members should uphold and serve as a reminder of the purposes of the Code of Conduct. These principles and the Advice Notes at the end of the Code accompany, but do not form part of, the Code of Conduct itself. However, a failure to act in accordance with these general principles may in itself amount to a breach of the Code of Conduct.

Duty - You have a duty to uphold the law and act in accordance with the law and the public trust placed in you. You have a duty to act in the interests of the Council as a whole and all the communities served by it and a duty to be accessible to all the people of the area for which you have been elected to serve, and to represent their interests conscientiously.

Selflessness - You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself.

Objectivity - In carrying out public business you must make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability - You are accountable to the public for your decisions and actions and must submit yourself to the scrutiny necessary to ensure this. You have a duty to consider issues on their merits, taking account of the views of others, and you must ensure that the Council uses its resources prudently and in accordance with the law.

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 and integrity - You must be truthful, and you must not place yourself in situations where your honesty and integrity may be questioned. You must not behave improperly and must on all occasions avoid the appearance of such behaviour.

Leadership - You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example in a way that secures or preserves public confidence.

Respect - You must respect all other councillors and all Council employees and the role they play. Similarly, you must respect members of the public when performing duties as a Councillor.

³ Article 28 of the Localism Act 2011.

GENERAL PRINCIPLES

The rules of good conduct apply in all situations where you act, claim to act, or give the impression or reasonable perception that you are acting as a member or representative of Odiham Parish Council^{4,5}.

The Code applies to all forms of communication, including:

- At face-to-face meetings
- At on-line or telephone meetings
- In written communication
- In verbal communication
- In non-verbal communication
- In electronic and social media communication, posts, statements, and comments.

1. You must treat others with respect

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. It is disrespectful however, to use offensive language or to accuse others of dishonesty, wrongdoing, or incompetence without producing any specific evidence, thereby seeking to damage their reputation. You should never subject individuals, groups of people or organisations to personal attack.

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.

While it is legitimate for you to express concern about the way in which a service is run or policy is being implemented by officers, you should avoid undermining, or making detrimental remarks about, individual named officers or officers who can be readily identified at meetings, or in any public forum, including on social media. This would be damaging both to effective working relationships and to the public respect for the Council. It is also unfair as in general, staff are unable to defend themselves against criticism in a public forum.

2. Do not bully, harass, intimidate, or discriminate against any person

Bullying is offensive, intimidating, malicious, insulting, or humiliating behaviour which attempts to undermine, hurt, or humiliate an individual or group. It can have a damaging effect on a victim's confidence, capability, and health. Harassment is repeated behaviour which upsets or annoys people. Intimidation is another form of bullying. It is the **act of frightening someone into doing something** that they do not otherwise want to do. This usually involves threats that make the person who is subjected to intimidation feel threatened or afraid.

Harassment is conduct that causes alarm, distress or puts people in fear of violence on at least two occasions⁶. It can also include repeated attempts to impose unwanted communications and

⁴ If you identify yourself or make comments that are clearly related to your role as a councillor, then the Code will apply. This applies in conversation, in writing, or in your use of social media, even if you post a disclaimer that suggests your comments are not official posts.

⁵ The Code does not apply if there is no suggestion that you are acting as a councillor. You are entitled to privacy in your personal life, and many of the provisions of the Code only apply to you when you are acting in your role as member or acting as a representative of the Council. The Code does apply however if you post something or put something into the public domain that could not otherwise have known if at the time of posting you had not been a Councillor.

⁶ The Protection from Harassment Act 1997

contact upon a person, including officers, in a manner that could be expected to cause distress or fear in any reasonable person.

Bullying, harassment and intimidatory conduct can involve behaving in an abusive or threatening way, or making allegations about people in public, in the company of any of their colleagues, through the press or social media. It may happen once or be part of a pattern of behaviours, although minor isolated incidents are unlikely to be considered bullying or harassment.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. These relate to specific aspects of a person's identity such as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation⁷.

3. Do not bring your role or the Council into disrepute

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your 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.

4. Do not compromise the impartiality of anyone who works for, or on behalf of, the Council

You should not approach or pressure anyone who works for, or on behalf of, the Council to carry out their duties in a biased or partisan way. They must be neutral and should not be coerced or persuaded to act in a way that would undermine their neutrality.

Although you can robustly 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, 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.

5. Do not disclose confidential information and you must always comply with data protection principles

The Council must work openly and transparently, and its proceedings and records are open to the public, except in certain legally defined circumstances. You should work on this basis, but there are times when it is required by law that discussions, documents, and other information relating to or held by the Council must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing discussions.

Legislation also gives you certain rights to obtain information not otherwise available to the public and you are entitled to exercise these rights where the information is necessary to carry out your Council duties. Such information is, however, for your use as a councillor and must not be disclosed or in any way used for personal or party-political advantage or in such a way as to discredit the Council. This will also apply in instances where you hold the personal view that such information should be publicly available.

Personal data is confidential and is protected by the *General Data Protection Regulations* (GDPR). Never share information with family or friends or allow access to personal data disclosed to you in your role as a Councillor.

⁷ The Equalities Act 2010

When conducting matters related to Council business, you must only use the email account provided by the Council. **Personal email addresses that you may have should never be used.**

6. Do not prevent anyone getting information that they are entitled to by law

You must not prevent any person from accessing information which they are entitled to by law. This includes information under the *Freedom of Information Act* or the *Environment Information Regulations*.

7. Do 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 Council provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact on others. However, you should not take advantage of these opportunities to further your own or others' private interests or to the disadvantage anyone unfairly. Do not misuse Council resources. You should never use the Council's resources or facilities for your own private or business purposes. It is also not appropriate to use, or authorise others to use, the Council's facilities or resources for political purposes, including party political purposes. When using the authority's resources, you must have regard, if applicable, to any Local Authority Code of Publicity made under the *Local Government Act (1986)* or similar Act.

8. Do have regard to advice from the Parish Clerk

If you seek advice, or advice is offered to you, for example, on whether or not you should register an interest, you should have regard to this advice before you make your mind up. You must also give reasons for all decisions in accordance with statutory requirements and any reasonable requirements imposed by the Council. Giving reasons for decisions is particularly important in relation to regulatory decisions and decisions where people's rights are affected. Where you disagree with officer recommendations in making a decision, you will need to take particular care in giving clear reasons for the decision.

INTERESTS

A failure to comply with the following provisions does not amount to a breach of the Code of Conduct but may result in a criminal offence being committed.

General Principles

The key principles of the Code, especially those which specify integrity, honesty and openness are given further practical effect by the requirement for you to declare interests at all meetings that you attend and that your attendance, even as an observer, does not give rise to any suggestion that your presence could influence the outcome of the meeting. The rules which require registration of interests, along with the rules on declaration of interest, are intended to produce transparency in regard to interests which might influence, or be thought to influence, your actions as a councillor.

Mandatory Registration of Disclosable Pecuniary Interests

A person's pecuniary interests are their business interests (for example their employment, trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and assets including land and property). They are called "Disclosable Pecuniary Interests" (DPIs)

Regulations made by the Secretary of State describe the detail and timescale for registering DPIs.

You have a DPI if you, or your spouse or civil partner, have a pecuniary interest listed in the national rules (see Annex 1 attached).

You must, within **28 days of taking office**, notify the Hart Monitoring Officer, copying the Parish Clerk, of any DPI where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

You must also, within **28 days of becoming aware of any new DPI**, or change thereto, notify the Monitoring Officer, copying the Parish Clerk, of such new or changed interest.

It is your personal responsibility to comply with these regulations, and you should review regularly and at least once a year your personal circumstances to ensure that your registration of interests is up to date.

Criminal Sanctions

It is a criminal offence if, without a reasonable excuse, you fail to tell the Monitoring Officer about your DPIs.

It is also a criminal offence to provide false or misleading information knowingly or recklessly, or to participate in the business of the Council where that business involves a DPI.

Gifts and Hospitality

You must not accept any offer by way of gift or hospitality which could give rise to real or substantive personal gain or a reasonable suspicion of influence on your part to show favour or disadvantage to any individual or organisation. You should also consider whether there may be any reasonable perception that any gift received by your spouse or cohabitee or by any company in which you have a controlling interest, or by a partnership of which you are a partner, can or would influence your judgement. The term "gift" includes benefits such as relief from indebtedness, loan concessions, or provision of services at a cost below that generally charged to members of the public.

You must never ask for gifts or hospitality.

You are personally responsible for all decisions connected with the acceptance of gifts or hospitality offered to you and for avoiding the risk of damage to public confidence in the Council and in local government. As a general guide, it is usually appropriate to refuse offers except:

- a) isolated gifts of a trivial character, the value of which must not exceed £25
- b) normal hospitality associated with your duties, and which would reasonably be regarded as appropriate; or
- c) civic gifts received on behalf of the Council.

The receipt of these gifts must be registered with the Council within 28 days. This includes a requirement to disclose the name of the person who is believed to be the source of the gift or hospitality.

You must not accept any offer of a gift or hospitality from any individual or organisation who is an applicant awaiting a decision from the Council or who is seeking to do business or to continue to do business with the Council. If you are making a visit to inspect equipment, vehicles, land, or property that the Council is intending to purchase, then as a general rule you should ensure that the Council pays for the cost of these visits.

You must only accept offers to attend social or sporting events where these are clearly part of the life of the community or where the Council would be expected to be represented.

You must not accept repeated hospitality or repeated gifts from the same source.

If the Council seeks sponsorship for some of its activities or events, you must ensure that your involvement with the sponsors is limited to the event in question and does not damage public confidence in the relationship between the Council and the sponsors.

OTHER MATTERS

The following do not in themselves comprise part of the Code of Conduct. However, you should be aware that a failure to act in accordance with the advice as set out below will be considered in any allegation that there has been a breach of the Code of Conduct.

Conduct at Meetings

You should respect the Chairman, your colleagues, Council employees and any members of the public present during meetings of the Council, its committees, or Sub-Committees or of any Public Bodies where you have been appointed by, or represent, the Council. You must comply with rulings from the Chairman in the conduct of the business of these meetings.

Recording, photography and use of social media at meetings

You need to consider your role at meetings and ensure that nothing distracts or stops you from making good and effective decisions. You may record proceedings in the same way as members of the public, but if you film/record a meeting from a position that is not otherwise available to the public, you must make sure that it:

- is not disruptive, overly intrusive, or impeding good decision making
- does not, hinder or prejudice Officers and fellow councillors from carrying out their duties or participating in the meeting.

As a registered Data Controller, you must also comply with, and demonstrate compliance with, all the data protection principles as well as the other General Data Protection Regulation (GDPR) requirements. In addition, when filming or recording a meeting, you too must comply with any Odiham Safeguarding, or corporate Equality Policy and Objectives, as well as the Freedom of Information Act.

Remuneration, Allowances and Expenses

You must comply with the rules for the payment to councillors of remuneration, allowances, and expenses.

Appointments to Partner Organisations

You may be appointed or nominated by the Council as a member of another body or organisation. If so, you will be bound by the rules of conduct of these organisations and your responsibility for any actions taken by you as a member of such an organisation will be to the organisation in question. You must also continue to observe the rules of this Code in carrying out the duties of that body.

If you become a director of a company as a nominee of the Council, you will assume personal responsibilities under the Companies Acts. A conflict of interest may arise for you between the company and the Council. In such cases, it is your responsibility to take advice on your responsibilities to the Council and to the company. This will include questions of declarations of interest. The same applies if you assume other responsibilities such as becoming a director of a charitable trust.

Dealings with the Council

You will inevitably have dealings on a personal level with the Council of which you are a member - for example as a Council taxpayer, tenant, or recipient of a Council service or applicant for a licence or consent granted by the Council. You must not seek preferential treatment for yourself, your family, friends, colleagues, or employees because of your position as a councillor or as a member of a body to which you are appointed by the Council, and you must avoid any action that could lead members of the public to believe that preferential treatment is being sought.

Responsibilities to the Council as a Member of the Public

The law makes specific provision that if a councillor is in **two months** arrears with payment of Council tax that councillor may not participate in certain decisions concerning Council tax issues.

If you owe a debt to the Council, you must put in place at the earliest opportunity arrangements for repayment. You must avoid being in a situation which might lead the public to believe that preferential treatment is being sought. You must not participate in any decision that may create suspicion of a conflict of interest.

Communications

You must be clear when communicating with the media or speaking in public, and particularly if you are using social media, that you do not give the impression you are acting in an official capacity when you are acting in a personal capacity.

Since the judgment of whether you are perceived to be acting as a councillor will be taken by someone else, it is safest to assume that any online activity can be linked to your official role.

Training

You must attend mandatory training provided by the Council and receive, attend and consider updates when required.

DECLARATIONS OF INTERESTS

It is your responsibility to make decisions about whether you have to declare an interest or make a judgement as to whether a declared interest prevents you from taking part in any discussions or voting. You are in the best position to assess your personal circumstances and to judge how these circumstances affect your role as a councillor about a particular matter. You can, of course, seek advice from the Parish Clerk. In making decisions for which you are personally responsible, you are advised to err on the side of caution.

You may feel able to state truthfully that an interest would not influence your role as a councillor in discussion or decision-making. You must, however, always comply with the *objective test* ("the objective test") which is *whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a councillor.*

You must apply these principles no less scrupulously in your dealings with Council officers, at meetings with other councillors, including party group meetings, meetings of Joint Boards and Joint Committees and any other meeting, formal or informal, where you are representing the Council.

Declaration of a DPI at a meeting of the Council

Your obligation to disclose a DPI to a meeting applies when you are aware of or ought to be aware of the existence of the DPI.

If you are present in any capacity (and this includes a private capacity) at a meeting of the Council, its executive (Cabinet), or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the Council, and you have a DPI relating to any business that is or will be considered at the meeting, **you must declare that interest and you must not participate in:**

- any discussion of the business at the meeting, or if you become aware of your disclosable DPI during the meeting participate further in any discussion of the business, or
- any vote or further vote taken on the matter at the meeting.

If the interest is not registered, you must still disclose the interest to the meeting. If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer, copying the Parish Clerk, of the interest within 28 days.

These prohibitions apply to any form of participation including speaking (or even observing the meeting) as a member of the public. **You must leave the room.** You cannot remain in the public gallery even if only to observe any discussion or vote on the matter.

In certain circumstances, you can request from the Parish Clerk a dispensation from these prohibitions.

Dispensations which do not amount to DPIs

You do not have a DPI in the following circumstances:

1. Setting of Council Tax or precept or local arrangements for council tax support;
2. An allowance, travelling expense, payment, or indemnity for councillors.

Declaration of “Other” Interests

Sometimes you may have “other” interests in a matter if that matter affects the well-being of you, members of your family, or people with whom you have a close association, more than it would affect most people in the ward affected by the decision, or in the Council’s area.

An “other” interest can affect you, your family or close personal associates positively and negatively. If you or they have the potential to gain or lose from a matter under consideration, a personal interest may need to be declared in both situations.

Your obligation to disclose an “other” interest to a meeting only applies when you are aware of or ought to be aware of the existence of the personal interest. Providing that the “other” interest does not amount to a “prejudicial” interest, you can remain in the room, participate in any discussion, and vote on the business at the meeting.

What is so significant that it is likely to prejudice your judgement?

If a reasonable member of the public with knowledge of all the relevant facts would think that your judgement of the public interest might be prejudiced, then you have a “prejudicial” interest. The mere existence of local knowledge or connections within the local community, however, will not normally be sufficient to meet the test. There must be some factor that might positively harm your ability to judge the public interest objectively. The nature of the matter is also important, including whether a large number of people are equally affected by it or whether you or a smaller group are particularly affected.

What you should do if you have a “prejudicial” interest

If you have a “**prejudicial**” interest in a matter being discussed at a meeting, even if you are only attending to observe the meeting from the public gallery, you must declare that you have a prejudicial interest and the nature of that interest as soon as that interest becomes apparent to you, **and you must leave the room immediately. You cannot stay in the room or the public gallery.**

This Code of Conduct, however, aims in certain circumstances to still provide you with the same rights as ordinary members of the public to speak on certain matters in meetings, despite having a prejudicial interest.

If an ordinary member of the public would be allowed to speak to a meeting about an item, you will be provided with the same opportunity. You will be able to make representations, answer questions, or give evidence, even if you have a prejudicial interest in the item. **You may not however, take part in the discussion.**

You must **immediately leave after** you have made your representations, given evidence, or answered questions, and before any debate starts.

If the meeting decides that you should finish speaking, despite your intention to say more, you must comply with the meeting’s decision. Although members of the public may be allowed to

observe the discussion and vote on the matter, **you are not allowed to do so and must leave the room immediately**. Failure to do so may be viewed as an attempt to **improperly influence** the meeting.

Dual-Hatted Members

Membership of another public body gives rise to a personal interest where you are involved in discussions or decisions relating to that other public body.

You should be able however, to regard most interests arising out of membership of another public authority as being personal non-prejudicial interests, even where there are financial implications. Examples of the sort of situation where the interest may become prejudicial, and will therefore rule you out of participation in any discussions and decision-making, are:

- a) Consideration of a licensing or planning application submitted by the other authority of which you are a member;
- b) A discussion or decision where two public authorities are in dispute and where litigation is threatened or has been commenced;
- c) Where the financial implications are so significant that one authority would have to reconsider its budget.

ANNEXE 1 – DISCLOSABLE PECUNIARY INTERESTS

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011. Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, **and** it is either the interest of yourself; **or** your partner (which means spouse or civil partner; 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) within the following descriptions:

(In the extracts from the Regulations below, 'M' means you and the 'relevant person' means you and your partner, as above)

Subject	Prescribed 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 relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. 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 which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and Odiham Parish Council - <ul style="list-style-type: none"> • under which goods or services are to be provided or works are to be executed; and • which has not been fully discharged.
Land	Any beneficial interest in land that is within the area of Odiham Parish Council.
Licences	Any licence (alone or jointly with others) to occupy land in the area of Odiham Parish Council for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge) - <ul style="list-style-type: none"> • the landlord is Odiham Parish Council; and • the tenant is a body in which the relevant person has a beneficial interest.

Securities	<p>Any beneficial interest in securities of a body where -</p> <ul style="list-style-type: none"> • that body (to M's knowledge) has a place of business or land in the area of Odiham Parish Council; and <p>either -</p> <ul style="list-style-type: none"> • the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; 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 the total issued share capital of that class.
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These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of Odiham Parish Council;

“member” includes a co-opted member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“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.

ANNEXE 2 ADVICE NOTES

ADVICE NOTE: Freedom of Expression

The requirement to treat others with respect must be balanced with the right to Freedom of expression. Article 10 of the European Convention on Human Rights protects your right to hold your own opinions and to express them freely without government interference. This includes the right to express your views aloud or in writing, such as in published articles or leaflets or on the internet and social media. Protection under Article 10 extends to the expression of views that may shock, disturb, or offend the deeply held beliefs of others.

However, Article 10 is not an absolute but a qualified right which means that the rights of the individual must be balanced against the interests of society. Whether a restriction on freedom of expression is justified is likely to depend on a number of factors, including the identity of the speaker, the context of the speech and its purpose, as well as the actual words spoken or written. Democracy depends on people being free to express, debate and criticise opposing viewpoints. The courts have generally held that the right to free expression should not be curtailed simply because other people may find it offensive or insulting. A balance must still be struck between the right of individuals to express points of view which others may find offensive or insulting, and the rights of others to be protected from hatred and discrimination.

Freedom of expression is protected more strongly in some contexts than others. In particular, a wide degree of tolerance is accorded to political speech, and this enhanced protection applies to all levels of politics, including local government. Article 10 protects the right to make incorrect but honestly made statements in a political context, but it does not protect statements which the publisher knows to be false. Political expression is a broad concept and is not limited to expressions of or criticism of political views but extends to all matters of public administration including comments about the performance of public duties by others. However, gratuitous personal comments do not fall within the definition of political expression.

Public servants such as local government officers are subject to wider levels of acceptable criticism than other members of the public when matters of public concern are being discussed. However, the limits are not as wide as they are for elected politicians such as councillors. Officers do not necessarily have the same right of reply to such comments as councillors do and councillors should take care not to abuse or exploit this imbalance.

Recent case law has confirmed that local authority officers should be protected from unwarranted comments that may have an adverse effect on good administration and states that it is in the public interest that officers are not subject to offensive, abusive attacks and unwarranted comments that prevents them from carrying out their duties or undermine public confidence in the administration. That said, officers who are in more senior positions, for example chief executives or heads of services, will also be expected to have a greater degree of robustness.

ADVICE NOTE: Respect

Showing respect to others is fundamental to a civil society. As an elected or appointed representative of the public it is important to treat others with respect and to act in a respectful way. Respect means politeness, courtesy and civility in behaviour, speech, and in the written word. It also relates to all forms of communications you undertake, not just in meetings. Rude, offensive, and disrespectful behaviour lowers the public's expectations and confidence in its elected representatives.

The key roles and responsibilities of councillors; representing and serving your communities and taking decisions on their behalf, require councillors to interact and communicate effectively with others. Examples of councillor interaction and communication include talking to constituents, attending local authority meetings, representing the local authority on outside bodies, and participating in community meetings and events. In turn this means that as a councillor you are required to interact with many different people, often from diverse backgrounds and with different or conflicting needs and points of view.

You can engage in robust debate at times and are expected to express, challenge, criticise and disagree with views, ideas, opinions, and policies. Doing these things in a respectful way will help you to build and maintain healthy working relationships with fellow councillors, officers, and members of the public, it encourages others to treat you with respect and helps to avoid conflict and stress. Respectful and healthy working relationships and a culture of mutual respect can encourage positive debate and meaningful communication which in turn can increase the exchange of ideas, understanding and knowledge.

Examples of ways in which you can show respect are by being polite and courteous, listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, showing appreciation and thanks and being kind. In a local government context this can mean using appropriate language in meetings and written communications, allowing others time to speak without interruption during debates, focusing any criticism or challenge on ideas and policies rather than personalities or personal attributes and recognising the contribution of others to projects.

Disrespectful behaviour

Failure to treat others with respect will occur when unreasonable or demeaning behaviour is directed by one person against or about another. The circumstances in which the behaviour occurs are relevant in assessing whether the behaviour is disrespectful. The circumstances include the place where the behaviour occurs, who observes the behaviour, the character and relationship of the people involved and the behaviour of anyone who prompts the alleged disrespect.

Disrespectful behaviour can take many different forms ranging from overt acts of abuse and disruptive or bad behaviour to insidious actions such as bullying and the demeaning treatment of others. It is subjective and difficult to define. However, it is important to remember that any behaviour that a reasonable person would think would influence the willingness of fellow councillors, officers or members of the public to speak up or interact with you because they expect the encounter will be unpleasant or highly uncomfortable fits the definition of disrespectful behaviour.

Examples of disrespect in a local government context might include rude or angry outbursts in meetings, use of inappropriate language in meetings or written communications such as swearing, ignoring someone who is attempting to contribute to a discussion, attempts to shame or humiliate others in public, nit-picking and fault-finding, the use of inappropriate sarcasm in communications and the sharing of malicious gossip or rumours.

Disrespectful behaviour can be harmful to both you and to others. It can lower the public's expectations and confidence in you and the Council and councillors and politicians more generally. It influences the willingness of fellow councillors, officers, and the public to speak up or interact with you because they expect the encounter will be unpleasant or uncomfortable. Ongoing disrespectful behaviour can undermine willingness of officers to give frank advice, damage morale at a local authority, and ultimately create a toxic culture and has been associated with instances of governance failure.

ADVICE NOTE: Bullying

Bullying, harassment, discrimination, and victimisation (either directly or indirectly) are unacceptable and should not be tolerated. It is important to recognise the impact such behaviour can have on any individual experiencing it, as well as on the wider organisation in terms of morale and operational effectiveness.

Bullying may be characterised as offensive, intimidating, malicious, insulting, or humiliating behaviour, an abuse or misuse of power that can make a person feel vulnerable, upset, undermined, humiliated, denigrated or threatened. Power does not always mean being in a position of authority and can include both personal strength and the power to coerce through fear or intimidation. Bullying may be obvious or be hidden or insidious. Such conduct is usually part of a pattern of behaviour which attempts to undermine an individual or a group of individuals, is detrimental to their confidence and capability, and may adversely affect their health.

Bullying can take the form of physical, verbal, and non-verbal conduct but does not need to be related to protected characteristics. Bullying behaviour may be in person, by telephone or in writing, including emails, texts, or online communications such as social media. The standards of behaviour expected are the same, whether you are expressing yourself verbally or in writing. Bullying can affect anyone, in any career, at any time, at any level and within any workplace. Such behaviour can take the form of easily noticed, physically threatening or intimidatory conduct with immediate impact, or it can take place behind closed doors, or be much more subtle or camouflaged and difficult to identify, at least at first. It can start, for example, with what appear to be minor instances, such as routine 'nit-picking' or fault-finding, but which become cumulative or develop into more serious behaviour over time, enabling the perpetrator to isolate and control the person.

Some bullies lack insight into their behaviour and are unaware of how others perceive it. Others know exactly what they are doing and will continue to bully if they feel they are unlikely to be challenged. Bullying can sometimes be overlooked, as a result of common euphemisms being used by way of explanation or justification, referring to someone as having a "poor leadership style" or a "bad attitude," for example, or to the problem being due to a "personality clash". You should always be mindful of the overall potential impact of the behaviour on others. First and foremost, bullying can have a significant impact on the recipient's well-being and health. Bullying can have an impact on a local authority's effective use of resources and provision of services. Officers who are subject to bullying are frequently away from their posts, sometimes for extended periods, on sickness or stress-related leave. Bullying can impact on a councillor's ability to represent their residents effectively. It can also discourage candidates from standing in local elections, making local authorities less representative of their communities, and impacting local democracy.

Like disrespectful behaviour, bullying can be difficult to define. When allegations of bullying are considered it's likely that the person handling the complaint will consider both the perspective of the alleged victim, and whether the councillor intended their actions to be bullying. They will also consider whether the individual was reasonably entitled to believe they were being bullied. Conduct is unlikely to be considered as bullying when it is an isolated incident of a minor nature, where it is targeted at issues, rather than at an individual's conduct or behaviour, or when the behaviour by both the complainant and councillor contributed equally to the breakdown in relations. However, the cumulative impact of repeated 'minor' incidents should not be underestimated.

Examples of bullying include but are not limited to:

- verbal abuse, such as shouting, swearing, threats, insults, sarcasm, ridiculing or demeaning others, inappropriate nicknames, or humiliating language
- physical or psychological threats or actions towards an individual or their personal property
- practical jokes
- overbearing or intimidating levels of supervision, including preventing someone from undertaking their role or following agreed policies and procedures
- inappropriate comments about someone's performance
- abuse of authority or power, such as placing unreasonable expectations on someone in relation to their job, responsibilities, or hours of work, or coercing someone to meet such expectations
- ostracising or excluding someone from meetings, communications, work events or socials
- sending, distributing, or posting detrimental material about other people, including images, in any medium
- smear campaigns

ADVICE NOTE: Discrimination

You have a central role to play in ensuring that equality issues are integral to the Council's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

The Equality Act 2010 imposes positive duties on local authorities to promote equality and to eliminate unlawful discrimination and harassment. Under the Act your authority may be liable for any discriminatory acts which you commit. This will apply when you do something in your official capacity in a discriminatory manner. You must be careful not to act in a way which may amount to any of the prohibited forms of discrimination, or to do anything which hinders your authority's fulfilment of its positive duties under the Act. Such conduct may cause your authority to break the law, and you may find yourself subject to a complaint that you have breached this paragraph of the Code of Conduct. If you are unsure about the particular nature of the duties of your authority you should seek advice from the monitoring officer or parish clerk.

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

There are four main forms of discrimination:

Direct discrimination: treating people differently because of their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation.

Indirect discrimination: treatment which does not appear to differentiate between people because of their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation but which disproportionately disadvantages them.

Harassment: engaging in unwanted conduct on the grounds of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation, which violates another person's dignity or creates a hostile, degrading, humiliating or offensive environment.

Victimisation: treating a person less favourably because they have complained of discrimination, brought proceedings for discrimination, or been involved in complaining about or bringing proceedings for discrimination.

Examples of discriminatory behaviour include but are not limited to:

- exclusion or victimisation based on the Protected Characteristics
- treating someone less favourably or limiting their opportunities based on any of the Protected Characteristics
- comments, slurs, jokes, statements, questions, or gestures that are derogatory or offensive to an individual's or group's characteristics
- promoting negative stereotypes relating to individual's or group's characteristics
- racial or ethnic slurs, insults, or jokes
- intolerance toward religious customs
- mimicking, mocking, or belittling a person's disability
- homophobic, biphobic or transphobic comments or slurs
- discriminating against pregnant people or mothers
- declaring ('outing') someone's religion or sexuality or threatening to do so against their will

- deliberate, unwarranted application of an authority's practice, policy or rule in a way that may constitute indirect discrimination
- instructing, causing, inducing, or knowingly helping someone to commit an act of unlawful discrimination under the Equality Act 2010.

A councillor's personality and life experiences will naturally incline them to think and act in certain ways. They may form views about others based on those experiences, such as having an affinity with someone because they have a similar approach to life or thinking less of someone because they are from a different generation. This is known as "unconscious bias" and it can lead people to make decisions based on biases or false assumptions. You need to be alert to the potential of unconscious bias and ensure they make decisions based on evidence, and not on assumptions they have made based on biases.

ADVICE NOTE: 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. Article 10 of the European Convention on Human Rights protects your right to freedom of expression, and political speech as a councillor is given enhanced protection but this right is not unrestricted. You should be aware that your actions might have an adverse impact on your role, other councillors and/or your local authority and may lower the public's confidence in your ability to discharge your functions as a councillor or your local authority's ability to discharge its functions.

In general terms, disrepute can be defined as a lack of good reputation or respectability. In the context of the Code of Conduct, a councillor's behaviour in office will bring their role into disrepute if the conduct could reasonably be regarded as either:

1. reducing the public's confidence in them being able to fulfil their role; or
2. adversely affecting the reputation of other councillors, in being able to fulfil their role.

Conduct by a councillor which could reasonably be regarded as reducing public confidence in their local authority being able to fulfil its functions and duties will bring the authority into disrepute.

For example, circulating highly inappropriate, vexatious, or malicious e-mails to constituents, making demonstrably dishonest posts about your authority on social media or using abusive and threatening behaviour might well bring the role of councillor into disrepute. Making grossly unfair or patently untrue or unreasonable criticism of your authority in a public arena might well be regarded as bringing your local authority into disrepute.

ADVICE NOTE: Use of Social Media

The continued rise of social media and blogging presents a new way for councillors to engage with their residents. These platforms can be useful for informing residents about local issues and the actions that their elected representatives are taking. It can raise profiles and potentially help to engage a wider audience in local politics. However, it brings additional risks for councillors around the way in which they express themselves.

Social media and blogging are much faster than traditional methods of communication, and users are often anonymous. This can create a tendency towards knee-jerk reactions and responses and intemperate exchanges. Whilst the protection of Article 10 of the European Convention on Human Rights remains, you must be particularly careful in the way they communicate where there is any suggestion that they are using these tools in an official rather than private capacity. Comments on blogs, forums, or social media are more likely to be viewed as having been made in an official capacity where the author is explicitly identified themselves as councillors, where they impart information which is known to them only by virtue of their elected position, or where they comment directly on council business rather than on wider political issues. Use of disclaimers on blogs and social media does not necessarily mean that what is said falls outside the scope of the Code. The Code applies if you post something or put

something into the public domain that could not otherwise have been known if at the time of posting you had not been a Councillor.

Care also needs to be taken where the public are able to make comments on what you have written since there may be a risk that these would become associated with the you if they are not removed.

ADVICE NOTE: Bias and Predetermination

Bias and predetermination are not explicitly mentioned in the Code of Conduct. The code provisions on declarations of interest are about ensuring you do not take decisions where you or those close to you stand to lose or gain improperly.

There is however a separate concept in law dealing with bias and predetermination which exists to ensure that decisions are taken solely in the public interest rather than to further private interests.

Both the courts and legislation recognise that elected councillors are entitled, and indeed expected, to have and to have expressed their views on a subject to be decided upon by the local authority. In law, there is no pretence that such democratically accountable decision-makers are intended to be independent and impartial as if they were judges or quasi-judges. Nonetheless, decisions of public authorities do involve consideration of circumstances where a decision-maker must not act in a way that goes to the appearance of having a closed mind and pre-determining a decision before they have all of the evidence before them and where they have to act fairly. Breaches of the rules of natural justice in these circumstances have and do continue to result in decisions of local authorities being successfully challenged in the courts. These issues are complex, and advice should be sought and given in the various situations that come up, which is why there are no direct paragraphs of the code covering this, although it does overlap with the rules on declarations of interest.

While declaring interests will to some extent deal with issues of bias, there will still be areas where a formal declaration is not required under the Code of Conduct, but you need to make clear that you are not biased or predetermined going into the decision-making process.

Otherwise, the decision is at risk of being challenged on appeal or in the Courts. To quote a leading judgment in this field "*All councillors elected to serve on local councils have to be scrupulous in their duties, search their consciences and carefully consider the propriety of attending meetings and taking part in decisions which may give rise to an appearance of bias even though their actions are above reproach.*"⁸

The rules against bias say that there are three distinct elements.

Seeking:

- i) accuracy in public decision-making.
- ii) the absence of prejudice or partiality on the part of you as the decision-maker. An accurate decision is more likely to be achieved by a decision-maker who is in fact impartial or disinterested in the outcome of the decision and who puts aside any personal strong feelings they may have had in advance of making the decision.
- iii) public confidence in the decision-making process. Even though the decision-maker may in fact be scrupulously impartial, the appearance of bias can itself call into question the legitimacy of the decision-making process. In general, the rule against bias looks to the appearance or risk of bias rather than bias in fact, in order to ensure that justice should not only be done but should manifestly and undoubtedly be seen to be done.

To varying degrees, these "requirements" might be seen to provide the rationales behind what are generally taken to be three separate rules against bias: "automatic" (or "presumed") bias, "actual" bias, and "apparent" bias.

The rationale behind "automatic" or "presumed" bias appears to be that in certain situations (such as if you have a pecuniary or proprietary interest in the outcome of the proceedings) then

⁸ *Kelton v Wiltshire Council* [2015] EWHC 2853 (Admin)

it must be presumed that you are incapable of impartiality. Since a motive for bias is thought to be so obvious in such cases, the decisions are not allowed to stand even though no investigation is made into whether the decision-maker was biased *in fact*. In these circumstances you should not participate in the discussion or vote on the issue. These are covered by the code's requirement to declare certain interests and withdraw from participation. A single councillor who is guilty of bias is enough to strike out the whole decision when challenged before the courts. This can cause huge cost and reputational damage for the local authority yet is seldom due to actual corruption or even consciously favouring a personal interest over the public interest on the part of the councillor involved and may have no repercussions for them personally.

Predetermination

The Localism Act 2011 has enshrined the rules relating to pre-disposition and predetermination into statute. In essence you are not taken to have had, or appeared to have had, a closed mind when making a decision just because you have previously done anything that directly or indirectly indicated what view you may take in relation to a matter and that matter was relevant to the decision.

Predetermination at a meeting can be manifested in a number of ways. It is not just about what you might say, for example, but it may be shown by body language, tone of voice or overly hostile lines of questioning for example.

You are therefore entitled to have a **predisposition** one way or another as long as you have not pre-determined the outcome. You are able to express an opinion providing that you come to the relevant meeting with an open mind and demonstrate that to the meeting by your behaviour, able to take account of all of the evidence and make your decision on the day.

How can bias or predetermination arise?

The following are some of the potential situations in which predetermination or bias could arise.

- **Connection with someone affected by a decision**

This sort of bias particularly concerns administrative decision-making, where the authority must take a decision which involves balancing the interests of people with opposing views. It is based on the belief that the decision-making body cannot make an unbiased decision, or a decision which objectively looks impartial, if a councillor serving on it is closely connected with one of the parties involved.

Improper involvement of someone with an interest in the outcome

This sort of bias involves someone who has, or appears to have, inappropriate influence in the decision being made by someone else. It is inappropriate because they have a vested interest in the decision.

- **Prior involvement**

This sort of bias arises because someone is being asked to make a decision about an issue which they have previously been involved with. This may be a problem if the second decision is a formal appeal from the first decision, so that someone is hearing an appeal from their own decision. However, if it is just a case of the person in question being required to reconsider a matter in the light of new evidence or representations, it is unlikely to be unlawful for them to participate.

- **Commenting before a decision is made**

Once a lobby group or advisory body has commented on a matter or application, it is likely that a councillor involved with that body will still be able to take part in making a decision about it. But this is as long as they do not give the appearance of being bound only by the views of that body. If the councillor makes comments which make it clear that they have already made up their mind, they may not take part in the decision.

If you are merely seeking to lobby a public meeting at which the decision is taking place but will not yourself, be involved in making the decision, then you are not prevented by the principles of predetermination or bias from doing so. Unlike private lobbying, there is no

particular reason why the fact that you can address a public meeting in the same way as the public should lead to successful legal challenges.

WHAT DO I DO IF I NEED ADVICE?

If you are unsure as to whether your views or any action you have previously taken may amount to predetermination you should always seek advice from the Monitoring Officer.

The Golden Rule is to be safe –seek advice if in doubt before you act
on or bias from doing so. Unlike private

REPORT ON: Climate Change Action Plan

WRITTEN BY: Cllr McFarlane

MEETING DATE: 16th November 2021

AGENDA ITEMS: 143/21

Background

Following the government declaration of a Climate Emergency, OPC debated the matter on 21st September 2021 resolved that:

“OPC acknowledges the Government’s Climate Emergency pledge and will:

1. Consider Climate Change in all decision making and delivery of services and activities.
2. Review all Council services and functions and draw up an Action Plan within 6 months setting out where carbon emissions can be reduced.
3. Following adoption and review of the Action Plan, OPC will consider whether to declare a “net zero carbon pledge.”

This paper proposes how we might progress the development of an Action Plan with engagement from the community.

There are areas where we can review internally how we reduce our carbon footprint such as the funds in which we invest, the companies we commission to provide services such as energy or communications, how we ensure biodiversity is addressed by our landscape contractors. A large part of the OPC budget is spent on managing physical assets, the land and buildings owned by the Parish Council. These form an important and highly visible part of the Parish ‘estate’ and we are likely to have a far greater impact if we engage with the community to build support for planned changes and encourage support from the community and interested partners. That support is likely to include expert advice, volunteering effort and paid for services.

Reviewing the range of Parish and Town Council led actions and projects that have had impact in addressing environmental degradation and climate change, it is clear that those which have had most impact involve the community as a whole rather than the Council acting alone. <https://www.nalc.gov.uk/library/our-work/climate-change/3598-what-can-local-councils-do-on-climate-change-2021/file>

How will we know this is working?

The matter of measuring the CO₂ equivalent output (which is the measure being used most widely) is not an exact science. It is necessary to make estimates and rely on a vast array of data to make reports. A standard which is gaining traction is the model used by The Centre for Sustainable Energy, supported by the Department for Business, Energy and Industrial Strategy which gives estimates per household at the Parish Council level. <https://impact-tool.org.uk/about>

This shows a per-household Co₂e footprint for Odiham of 19.7t per annum. That is higher than the national average which is estimated at c 17t pa. The figure can be subdivided into

5 categories: Consumption of goods and services, 34%, Travel, 26%, Food and Diet , 21% (of which half is due to consumption of meat), Housing, 20% and Waste, < 1%.

Clearly if the carbon footprint of the Parish is to be reduced significantly, it will take more than direct action by the Parish Council. However we can play a role in convening, supporting and where appropriate, leading action in the wider community. It is for this reason that I propose convening a working group with community members.

Proposal:

That the OPC resolve to establish a working party to inform the development of an action plan on environment and climate change, according to the Terms of Reference attached.



Environment and Climate Change Working Group Terms of Reference

1. Following the government declaration of a Climate Emergency, OPC debated the matter on 21st September 2021 and resolved that:

“OPC acknowledges the Government’s Climate Emergency pledge and will:

1. Consider Climate Change in all decision making and delivery of services and activities.
2. Review all Council services and functions and draw up an Action Plan within 6 months setting out where carbon emissions can be reduced.
3. Following adoption and review of the Action Plan, OPC will consider whether to declare a “net zero carbon pledge.”

The purpose of this working group is to engage with the community in the development of said Action Plan.

2. The Working Group shall comprise of a minimum of 2 and maximum of 6 Councillors as appointed by full Council.
3. Groups currently active in this area such as the U3A Climate Change Group will be invited to suggest members and offers of help already received from experts in this area will be explored. Community members should not normally exceed 10.
4. A Hart District Councillor shall be invited to input to the Working Group and join meetings.
5. The Working Group shall be empowered to carry out research and liaise with third parties on OPC’s behalf, including Hampshire CC and Hart DC.
6. The Working Group is empowered to communicate with the community including through a physical open meeting if required.
7. The Working Group is entitled to appoint its own Chair if deemed appropriate.
8. As a Working Group of the Council, this group shall make recommendation to full Council and is not empowered to make decisions on OPC’s behalf.
9. This Group shall remain in existence for as long as is required to complete the objectives set out in item 1.

Adopted ??

REPORT ON: Queen's Platinum Jubilee Orders

WRITTEN BY: Deputy Parish Clerk

MEETING DATE: 16th November 2021

AGENDA ITEMS: 145/21

Introduction

Following the initial Platinum Jubilee Working Group meeting on 23rd September an initial action plan was drawn up.

Booking bands for the street party was a priority and it was listed that three bands should be booked. Following research into the previous street parties, the timings for the afternoon seemed to allow for two bands each with two 45minute sets.

Enquiries have been made into booking two bands from recommendations received. From these initial enquiries Cove Brass [Cove Brass](#) have confirmed that they are available.

The second band Simply Swing [Simply Swing - Swing Band, Wedding Band, London & South East](#) has also confirmed they are available and are flexible on price dependant on how large the band would be, this is still to be discussed with the band.

For Decision

Council to agree for the Clerk to make the band payments of up to £2000 to secure bookings in consultation with the Community Committee Chair.