

# CHISELDON PARISH COUNCIL



## **CODE OF CONDUCT** **(as approved 13th May 2019)** **(reviewed and approved 6<sup>th</sup> June 2020)** **To be reviewed May 2021**

### **PART 1. GENERAL PROVISIONS**

#### **Introduction**

This code of conduct complies with section 28 of the Localism Act 2011 and is consistent with the principles set out in that section, being selflessness, integrity, objectivity, accountability, openness, honesty and leadership (see Appendix).

#### **Scope**

1. (a) A member, including a co-opted or appointed member must observe this code of conduct whenever he:
  - (i) conducts the business of the Council;
  - (ii) conducts the business of the office to which he has been elected or appointed; or
  - (iii) acts as a representative of the Council.
- (b) This code of conduct shall not, apart from paragraphs 4 and 5(a) below, have effect in relation to the activities of a member undertaken other than in an official capacity.
- (c) Where a member acts as a representative of the Council:
  - (i) on another relevant authority (as defined under (d) below), he must, when acting for that authority, comply with that other authority's code of conduct; or
  - (ii) on any other body, he must, when acting for that other body, comply with the authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
- (d) In this code:  
"relevant authority" means a district council or a unitary county council which has functions in relation to the parish councils for which it is responsible under section 55(12) of the Local Government Act 2000. "He" and "him" refer to a member of either gender.

#### **General obligations**

2. A member must not:
  - (a) do anything which may cause the authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
  - (b) bully any person;
  - (c) intimidate any person in relation to an allegation of failure to comply with a code of conduct;
  - (d) do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the Council.
3. A member must not-
  - (a) disclose information given to him in confidence by anyone, or information acquired which he believes or ought reasonably to be aware is of a confidential nature, without the consent of a person authorised to give it, or unless he is required by law to do so, or disclosure is made to a third party for the purpose of obtaining professional advice provided that party agrees not to pass on the information, or the disclosure is in good faith and complies with the reasonable requirements of the Council, or the disclosure is reasonable and in the public interest;
  - (b) prevent another person from gaining access to information to which that person is entitled by law.
4. A member must not in his official capacity, or any other circumstance, conduct himself in a manner which could reasonably be regarded as bringing his office into disrepute.
5. A member
  - (a) must not in his official capacity, or any other circumstance, use his position as a member improperly to confer on or secure for himself or any other person, an advantage or disadvantage; and
  - (b) must, when using or authorising the use by others of the resources of the Council:
    - (i) act in accordance with the Council's requirements; and
    - (ii) ensure that such resources are not used improperly for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Council or of the office to which the member has been elected or appointed.
  - (c) must have regard to any applicable local authority code of publicity made under the Local Government Act 1986.
6. (a) When reaching decisions on any matter a member must have regard to any advice provided by the authority's chief finance officer or monitoring officer, where that officer is acting pursuant to their statutory duties.  
(b) A member must give reasons for all decisions in accordance with any statutory requirements and any reasonable requirements imposed by the Council.

## **PART 2. INTERESTS**

### **Personal interests**

7. (1) A member has a personal interest in any business of the Council where either:
- (a) it relates to or is likely to affect:
    - (i) any body of which they are a member or in a position of general control or management and to which they are appointed or nominated by your authority;
    - (ii) any body exercising functions of a public nature, directed to charitable purposes, or one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which they are a member or in a position of general control or management;
    - (iii) the interests of any person from whom a member has received a gift or hospitality with an estimated value of at least £50;
  - (b) a decision in relation to that business might reasonably be regarded as affecting a member's well-being or financial position or that of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected by the decision;
- (2) In sub-paragraph (1)(b), a relevant person is
- (i) a member of your family or any person with whom you have a close association; or
  - (ii) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
  - (iii) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
  - (iv) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

### **Disclosure of personal interests**

8. A member with a personal interest in a matter who attends a meeting of the Council at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

### **Prejudicial interests (generally)**

9. (a) Subject to sub-paragraph (b) below, a member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest.
- (b) A member does not have a prejudicial interest in a matter if that matter:
- (i) does not affect the member's financial position or that of a relevant person or body;
  - (ii) does not relate to the determining of any approval, consent, licence, permission or registration in relation to the member or relevant person or body;
  - (iii) relates to any functions of the Council in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where the member is in receipt of, or is entitled to the receipt of such pay;
  - (iv) relates to any functions of the Council in respect of an allowance, payment or indemnity given to members;
  - (v) relates to any ceremonial honour given to members;
  - (vi) relates to setting council tax or a precept under Local Government Finance Act 1992.

### **Prejudicial interests arising in relation to overview and scrutiny committees**

10. A member has a prejudicial interest in any business before an overview and scrutiny committee of the authority (or of a sub-committee of such a committee) where
- (a) that business relates to a decision made (whether implemented or not) or action taken by the Council's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
  - (b) at the time the decision was made or action was taken, the member was a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and was present when that decision was made or action was taken.

### **Effect of prejudicial interests on participation**

11. (1) Subject to sub-paragraph (2), where a member has a prejudicial interest in any business of the Council;
- (a) he must withdraw from the room or chamber where a meeting considering the business is being held
    - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
    - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting; unless the member has obtained a dispensation from the authority's standards committee;
  - (b) he must not exercise executive functions in relation to that business; and
  - (c) he must not seek improperly to influence a decision about that business.

- (2) Where a member has a prejudicial interest in any business of the Council, he may attend a meeting (including a meeting of the overview and scrutiny committee of the authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

### **PART 3 REGISTRATION OF MEMBERS' INTERESTS.**

#### **Registration of financial and other interests**

12. (1) Subject to paragraph 14 below, a member must, within 28 days of this code being adopted by the Council, or his election or appointment to office (if later), register his financial interests in the Council's register maintained under section 29 of the Localism Act 2011, by providing written notification to the authority's monitoring officer, together with any disclosable pecuniary interest which he, or his spouse or civil partner with whom he is living may have.
- (2) Failure to register or disclose any disclosable pecuniary interest in accordance with section 30(1) or 31(2), (3) or (7) of the Localism Act 2011, or participating in any discussion or vote in contravention of section 31(4) of the Localism Act 2011, or taking any steps in contravention of section 31(8) of the Localism Act 2011, is a criminal offence and risks a fine not exceeding level 5 on the standard scale (currently £5,000) or disqualification as a member for a period not exceeding 5 years.
- (3) Where members have a disclosable pecuniary interest which is a sensitive interest under paragraph 15 below, they must disclose not the sensitive interest but merely the fact that you have a disclosable pecuniary interest in the matter concerned.
- (4) Members must, within 28 days of becoming aware of any new or change in a registered personal interest, register details of that new or changed interest by providing written notification to the authority's monitoring officer.

#### **Disclosable pecuniary interest**

13. A disclosable pecuniary interest is as defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (the Regulations), being:
- (a) any employment, office, trade, profession or vocation carried on for gain.
- (b) any payment or provision of any other financial benefit (other than from the authority) made or provided within the relevant period as defined in the Regulations in respect of any expenses incurred by in carrying out duties as a member, or towards his election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (c) any contract which is made between member and/or a person mentioned in paragraph 12 (1) above (or a body in which the member and/or such a person has a beneficial interest) and the authority
- (i) under which goods or services are to be provided or works are to be executed; and
- (ii) which has not been fully discharged.
- (d) any beneficial interest in land which is within the area of the authority.
- (e) any licence (alone or jointly with others) to occupy land in the area of the authority for a month or longer.
- (f) any tenancy where (to a member's knowledge)
- (i) the landlord is the authority; and
- (ii) the tenant is a body in which the relevant person has a beneficial interest.
- (g) any beneficial interest in securities of a body where
- (i) that body (to a member's knowledge) has a place of business or land in the area of the relevant authority; and
- (ii) either the total nominal value of the securities exceeds £25,000 or one hundredth of the total 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.

#### **Sensitive interest.**

14. (1) Where a member considers that he has a sensitive interest (whether or not a disclosable pecuniary interest) and the authority's monitoring officer agrees, if the interest is entered in the authority's register, copies of the register that are made available for inspection and any published version of the register, must not include details of the interest (but may state that the member has an interest the details of which are withheld under section 32(2) of the Localism Act 2011).
- (2) The member must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer a sensitive interest notify the authority's monitoring officer asking that the interest be included in your authority's register of members' interests.
- (3) In this code, "sensitive interest" means an interest the nature of which is such that the member and the monitoring officer consider that disclosure of the details of the interest could lead to the member or a person connected being subject to violence or intimidation.

## **APPENDIX**

The former General Principles of Public Life expand the principles of the Localism Act 2011, as follows:

**Selflessness.** Members should serve only the public interest and never improperly confer an advantage or disadvantage on any person.

**Honesty and integrity.** Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

**Objectivity.** Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

**Accountability.** Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their office.

**Openness.** Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

**Leadership.** Members should promote and support these principles by leadership and by example, and should act in a way that secures or preserves public confidence.