

# Bedstone and Bucknell Parish Council

# CODE OF CONDUCT

October 2016

## CODE OF CONDUCT - *INTRODUCTION*

At its meeting on Tuesday 4<sup>th</sup> October 2016, Bedstone and Bucknell Parish Council resolved to adopt the Code of Conduct set out in this booklet.

It made that decision as a sign of its commitment to the promotion and maintenance of high standards of behaviour by its members, and co-opted members, whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council, pursuant to section 27 of the Localism Act 2011.

This Code of Conduct is closely modelled on the National Association of Local Councils' (NALC) template Code set out in its Legal Briefing note L09-12 issued 29 June 2012, as updated 9 August 2012. In addition, it takes account of other guidance issued by NALC.

# I. CODE OF CONDUCT - GENERAL

- 1.1 All members, or co-opted members (*for the purposes of this Code hereinafter referred to as 'members'*) of Bedstone and Bucknell Parish Council ('the Council') accept that their public service as members is to be conducted on the underlying principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.
- 1.2. Accordingly, when acting as a member or co-opted member, members must act solely in the public interest. They should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for themselves, their family, a friend or close associate.
- 1.3. Members must not place themselves under a financial or other obligation to outside individuals or organisations that might seek to influence a member in the performance of official Council duties.
- 1.4. When carrying out public duties members must make all choices – such as making public appointments, awarding contracts or recommending individuals for rewards or benefits – based solely on merit. Members are accountable to the public for their decisions and must co-operate fully with whatever scrutiny is appropriate. Members must be as open as possible about their particular decisions and actions, as well as the decisions and actions of the Council. Members should be prepared to give reasons for those decisions and actions.
- 1.5. Members must declare any private interests, both pecuniary and non-pecuniary, including membership of any Trade Union, that relate to their public duties. Members must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the set procedures.
- 1.6. When using, or authorising the use by others of the resources of the Council, members must ensure that such resources are not used improperly for political purposes (including party political purposes). Additionally, members must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 1.7. Members must promote and support high standards of conduct when undertaking their public service, in particular as characterised by the above requirements, by leadership and example.

## 2. CODE OF CONDUCT - *DEFINITIONS*

- 2.1 For the purposes of this Code, a 'co-opted member' is a person who is not a 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 any meeting of that committee or sub-committee.
- 2.2 For the purposes of this Code, and unless otherwise expressed, a reference to a 'member' of the Council includes a co-opted member of the Council.
- 2.3 For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

## 3. CODE OF CONDUCT - *OBLIGATIONS*

- 3.1 When a member acts, claims to act or gives the impression of acting as a representative of the Council, members have the following obligations:
  - a. Members shall behave in such a way that a reasonable person would regard as respectful.
  - b. Members shall not act in a way which a reasonable person would regard as bullying or intimidatory.
  - c. Members shall not seek to improperly confer an advantage or disadvantage on any person.
  - d. Members shall use the resources of the Council in accordance with its requirements.
  - e. Members shall not disclose information which is confidential or where disclosure is prohibited by law.

## 4. CODE OF CONDUCT – *REGISTRATION OF INTERESTS*

- 4.1 Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), a member shall register with the Monitoring Officer the interests which fall within the categories set out in Annexes A and B.
- 4.2 Upon the re-election of a member or the re-appointment of a co-opted member, the member shall within 28 days re-register with the Monitoring Officer any interests in Annexes A and B.
- 4.3 A member shall register with the Monitoring Officer any change to interests or new interests in Annexes A and B within 28 days of becoming aware of it.
- 4.4 A member need only declare the existence but not the details of any interest that the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

## 5. CODE OF CONDUCT – *DECLARATION OF INTERESTS AT MEETINGS*

- 5.1 Where a matter arises at a meeting which relates to an interest in Annex A, the member shall not participate in a discussion or vote on the matter. Members only have to declare what their interest is if it is not already entered in the member's Register of Interests or if the member has not notified the Monitoring Officer of it.

*15.2 Where a matter ....*

- 5.2 Where a matter arises at a meeting which relates to an interest in Annex A which is a 'sensitive interest', the member shall not participate in a discussion or vote on the matter. If it is a 'sensitive interest', which has not already been disclosed to the Monitoring Officer, the member shall disclose that s/he has an interest, but not the nature of it.
- 5.3 Where a matter arises at a meeting which relates to an interest in Annex B, the member shall not vote on the matter. The member may speak on the matter only if members of the public are also allowed to speak at the meeting.
- 5.4 A member only has to declare his/her interest in Annex B if it is not already entered in the member's Register of Interests or if he/she has not notified the Monitoring Officer of it or if the member speaks on the matter. If he/she holds an interest in Annex B which is a 'sensitive interest' not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.
- 5.5 Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest of a person in Annex A), the member shall disclose the nature of the interest and not vote on the matter. The member may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

### – *DISPENSATIONS*

- 5.6 On a written request made to the Council's proper officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting, even if s/he has an interest in Annexes A and B, if the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.

# CODE OF CONDUCT – ANNEX A

Interests described in the table below

SUBJECT	DESCRIPTION
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12-month period ending on the latest date referred to in paragraph 4.1 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the Council: <ul style="list-style-type: none"> <li>(a) under which goods or services are to be provided or works are to be executed; and</li> <li>(b) which has not been fully discharged.</li> </ul>
Land	Any beneficial interest in land held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partner which is within the area of the Council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners to occupy land in the area of the Council for a month or longer.
Corporate tenancies	Any tenancy where (to the member's knowledge): <ul style="list-style-type: none"> <li>(a) the landlord is the Council; and</li> <li>(b) the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</li> </ul>

Securities	<p>Any beneficial interest held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners in securities* of a body where:</p> <p>(a) that body (to the member's knowledge) has a place of business or land in the area of the Council; and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) 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 member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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\*'director' includes a member of the committee of management of an industrial and provident society.

\*'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

## CODE OF CONDUCT – ANNEX B

An interest which relates to or is likely to affect:

- (i) Any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- (ii) Any body:
  - (a) exercising functions of a public nature;
  - (b) directed to charitable purposes; or
  - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which the member of the Council is a member or in a position of general control or management;
- (iii) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.