

PART C - THE NEWLAND PARISH COUNCIL CODE OF CONDUCT

(Effective 26 June 2012, reviewed 25 May 2018)

Background

1. A Parish Council must adopt a new Code of conduct to take effect on or after 1 July 2012
2. The District Council Monitoring officer must prepare a Register of Members Interests to take effect on or after the same date.
3. The District Council, in collaboration with GAPTC and a number of Clerks has agreed a common Code for Towns and Parishes within the county, based on the draft produced by NALC, which it is recommended they adopt.
4. Once the Code is adopted by the Council members must, within 28 days complete their register of Members Interests and lodge it with the Monitoring Officer. The Register should be handed to the Clerk not less than 25 days after adoption who will make a copy and forward it to the Monitoring Officer.
5. Members must register any change to interests or new interests within 28 days of becoming aware of it.
6. If the Monitoring officer agrees that the interest is a sensitive one (ie one which, if disclosed on a public register, could lead to the member or a person connected with the member to be subject to violence or intimidation) the nature of it need not be disclosed
7. The Register of Members Interest must be placed on the Council's web site.
8. Members obligations, when acting or appearing to act as a member of the Council are that he/she:
 - a. Shall behave in such a way that a reasonable person would regard as respectful;
 - b. Shall not act in a way which a reasonable person would regard as bullying or intimidatory;
 - c. Shall not seek to improperly confer an advantage or disadvantage on any person;
 - d. Shall use the resources of the Council in accordance with its requirements;
 - e. Shall not disclose information which is confidential or where disclosure is prohibited by law.
9. Interests fall into two categories:
 - a. Disclosable Pecuniary Interests (DPI's) - these are listed in Appendix A of the Code. A DPI prohibits the member taking part in any discussion or vote of the matter and requires him / her to leave the meeting while it is discussed.
 - b. Other Interests - these are listed in Appendix B of the Code. Members are allowed to speak on the matter so long as the public are afforded the same right; the member must then leave the meeting before any vote is taken.

10. If a matter arises which relates to a financial interest of a friend, relative or close associate (other than a DPI), the member shall disclose the nature of the interest and then the rule in 9b applies.
11. Dispensations may be granted by the Proper Officer (the Clerk) to a member to speak and vote even if they have an interest in Appendices A or B, subject to:
 - a. The member submitting a written request to the Proper Officer (prior to the meeting);
 - b. The Council believing that the number of members otherwise prohibited would impede the transaction of the business (ie the meeting would become inquorate), or
 - c. It is in the interests of the Council's residents to allow the member to take part, or
 - d. It is otherwise appropriate to grant a dispensation.
12. In respect of interests in Appendix A (DPIs) the Code applies to:
 - a. The member, or
 - b. The members spouse or civil partner, or
 - c. A person with whom, the member is living either as husband or wife or as if they were civil partners
13. In respect of Other Interests the Code applies to members
14. The type and the nature of all interests, including those already entered in the Register of Members Interests, must be declared at meetings (see 6 re Sensitive Interests)
15. Alleged breaches of the Code will be investigated by the Monitoring Officer. If the allegation is proven there are no powers conferred on the Monitoring Officer to impose sanctions such as suspension, or a requirement to undergo training or to issue an apology. All that can be done is to censure the member and make recommendations to the Parish Council which the Parish Council is under no obligation to accept
16. Sanctions. If a member fails to register a DPI on taking office, or advising of a subsequent change OR provides false or misleading information OR participates in any discussion or vote in contravention of the law, he / she commits a criminal offence which carries a fine, on conviction, not exceeding level 5 (£5000) AND may be disqualified from office for a period not exceeding 5 years.
17. Any decision of the Council is not invalidated because "something occurred in the process of making the decision involved a failure to comply with the code"
18. The Code applies equally to elected and co-opted members

NEWLAND PARISH COUNCIL CODE OF CONDUCT

1. Introduction

Pursuant to section 27 of the Localism Act 2011, Newland Parish Council ('the Council') has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council including the business of the office to which they were elected or appointed or when they claim to act or give the impression of acting as a representative of the Council.

This Code of Conduct is based on the following principles of behaviour by members:

Selflessness: you must take decisions solely in terms of the public interest. You must not do so in order to gain financial or other material benefit for yourself, your family or friends;

Integrity: you must not place yourself under any financial or other obligation to outside individuals or organisations that might influence you in the performance of your official duties;

Objectivity: in carrying out public business, including making public appointments, awarding of contracts, or recommending individuals for rewards and benefits, you must make choices on merit;

Accountability: you are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate to your office;

Openness: you must be as open as possible about all the decisions and actions that you take and should give reasons for your decisions. Only when the wider public interest clearly demands it, should you restrict information;

Honesty: you have a duty to declare any personal interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interest;

Leadership: you must promote and support these principles by leadership and example

2. 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, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.
- 2.3 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.
- 2.4 The interests listed in Appendix A are "Disclosable Pecuniary Interests", those listed in Appendix B are "Other Interests"

3. Members obligations

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations:

- 3.1 To behave in such a way that a reasonable person would regard as respectful

- 3.2 Not act in a way which a reasonable person would regard as bullying or intimidatory
- 3.3 Not seek to improperly confer an advantage on any person
- 3.4 To use the resources of the Council in accordance with its requirement
- 3.5 Not disclose information which is confidential or where disclosure is prohibited by law.

4. 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), he / she shall register all interests which fall within the categories set out in Appendices A and B.
- 4.2 Upon the re-election of a member or the re-appointment of a co-opted member, he / she shall within 28 days re-register any interests in Appendices A and B.
- 4.3 A member shall register any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.
- 4.4 A member need only declare on the public register of interests the existence - but not the details - of any interest which 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. Declarations of interest

- 5.1 If the interest is listed in Appendix A the member shall not participate in any discussion or vote on the matter and shall withdraw from the meeting
- 5.2 If the interest is listed in Appendix B, the member shall withdraw from the meeting unless he wishes to speak on the matter, in which case he may do so provided that:
 - 5.2.1 the public are also allowed to speak, and
 - 5.2.2 he declares his interesthe shall then withdraw from the meeting
- 5.3 In every case where the interest is a sensitive one, it should be declared but not the nature of it.
- 5.4 Where the matter relates to a financial interest of a friend, relative or close associate he shall declare the nature of the interest and withdraw from the meeting. If he wishes to speak on the matter then sub clauses 5.2.1 & 5.2.2 apply.

6 Dispensations

On a written request made to the Council's proper officer, the Council may grant a member dispensation to participate in a discussion and vote on a matter if

- 6.1 he / she has an interest in Appendices 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
- 6.2 it is in the interests of the inhabitants in the Council's area to allow the member to take part or
- 6.3 it is otherwise appropriate to grant a dispensation.

APPENDIX A (Disclosable Pecuniary interests)

Such interests of:

1. the member, or
2. the member's spouse or civil partner, or
3. a person with whom the member is living as husband and wife, or
4. a person with whom the member is living as if they were civil partners'

and the member is aware that that other person has the interest

Please note:

- any person mentioned in 2, 3 & 4 above is known as a "relevant person"
- "Member" includes co-opted member

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 ¹) made or provided within the relevant period ² in respect of any expenses incurred the member in carrying out duties as a member, or towards the election expenses of the member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body ³ in which the relevant person has a beneficial interest) and the relevant authority: (a) under which goods or services are to be provided or works are to be executed; <u>and</u> (b) which has not been fully discharged.

¹ "relevant authority" means the authority of which the member is a member

² "relevant period" means a period of 12 months ending on the day on which the member gives a notification to the Monitoring Officer of any Disclosable Pecuniary Interest.

³ "body in which the member has a beneficial interest" means (a) a firm in which the member is a partner, or (b) a body corporate of which the member is a director, or (c) in the securities of which the member has a beneficial interest

Land ⁴	Any beneficial interest in land which is within the area of the relevant authority
Licences	Any licence to occupy land in the area of the relevant authority for a month or longer
Corporate tenancies	Any tenancy where to the member's knowledge <ul style="list-style-type: none"> (a) the landlord is the relevant authority; and (b) the tenant is a body⁵ in which the relevant person has a beneficial interest
Securities ⁶	<ul style="list-style-type: none"> (a) Any beneficial interest in securities of a body where (b) that body (to the member's knowledge) that has a place of business or land in the area of the relevant authority; and (c) either: <ul style="list-style-type: none"> (i) the total nominal value of the securities exceeds £25000 or 1/100th of the total issued share capital of that body, or (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 relevant person has a beneficial interest which exceeds 1/100th of the total issued share capital of that class

⁴ "Land" excludes as easement, servitude, interest or right in or over land which does not carry with it a right for the member to occupy the land or to receive income

⁵ See footnote 3

⁶ "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

APPENDIX B (Other Interests)

Any interest which relates to or is likely to affect:

- 1) 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.⁷
- 2) any body:
 - a) exercising functions of a public nature;
 - b) directed to charitable purposes;
 - c) one whose principle 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;
- 3) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his / her office;

⁷ Example: where a member has been appointed to a village hall committee by the Council

