

Ellisfield Parish Council

CODE OF CONDUCT FOR PARISH COUNCILLORS 2019

This 2019 Code of Conduct is adopted for Ellisfield Parish Council from that prepared by Basingstoke and Deane Borough Council (the superior Authority/Council) pursuant to its statutory duty to promote and maintain high standards of conduct by Councillors and co-opted members of Ellisfield Parish Council.

This Code applies to you as a member of Ellisfield Parish Council when you act in your role as a Councillor. You are expected to familiarise yourself with the requirements of this Code and to adhere to those requirements.

PART 1 - GENERAL PROVISIONS

Introduction and interpretation

1. (1) This Code applies to all Members of the Council including co-opted members.
- (2) You should read this Code together with the Nolan Principles of Public Life and these principles should be used as a guide to interpretation of this code and to assist in determining whether a breach of this Code has occurred. The Principles are as follows:
 - (a) **Selflessness**
Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
 - (b) **Integrity**
Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
 - (c) **Objectivity**
In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
 - (d) **Accountability**
Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
 - (e) **Openness**
Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
 - (f) **Honesty**
Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
 - (g) **Leadership**
Holders of public office should promote and support these principles by leadership and example.

(3) It is your responsibility to comply with the provisions of this Code.

(4) In this Code:

“Meeting” means any meeting organised by or on behalf of the Parish Council, including -

(i) Any meeting of Council, or a committee or sub-committee of the Council

(ii) At any briefing by officers

(iii) At any site visit to do with the business of the Council

“Councillor” includes a co-opted Councillor and an appointed Councillor.

General Obligations

2. (1) You must treat others with respect.

(2) You must not:

(a) do anything which may cause the Council to breach any of the equality enactments (as defined in the Equality Act 2010);

(b) bully any person;

(c) intimidate or attempt to intimidate any person; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

3. You must not:

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is:

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority.

(b) prevent another person from gaining access to information to which that person is entitled by law.

4. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

5. You:

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of your authority:
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986¹. (1986 c. 10)

6. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by:

- (a) the Council's Finance Officer; or
- (b) the Council's Monitoring Officer, or other superior Council's Monitoring Officer where that officer is acting pursuant to their statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

PART 2 – INTERESTS

7. Disclosable Pecuniary Interests

(1) You have a disclosable pecuniary interest if:

- (a) such interest is one which is specified by regulations made from time to time by the Secretary of State (and the current specified interests are those set out in Appendix 1 hereto) and
- (b) it is an interest of yours, or
- (c) it is an interest of:
 - (i) your spouse or civil partner;
 - (ii) a person with whom you are living as husband and wife, or
 - (iii) a person with whom you are living as if you were civil partners and you are aware that that other person has the interest.

8. Disclosure of Pecuniary Interests

You must:

- (i) Comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest (as set out at Appendix 1).
- (ii) Ensure that your register of interest is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests.
- (iii) At any Meeting of which you are present, you must make a verbal declaration of the existence and nature of any disclosable pecuniary interest, where an item of business which affects or relates to the subject matter of that interest, at or before consideration of that item of business or as soon as the interest becomes apparent.

9. Other Interests

In addition to the requirements set out in paragraph 8, if you attend a Meeting at which any item of business is to be considered and you are aware that you have a “non disclosable pecuniary interest or a non- pecuniary interest” in that item, you must make a verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. The declaration will be confirmed in the minutes of the meeting.

You have a “non disclosable pecuniary interest or a non- pecuniary interest” in an item of business of the Council where:

- (i) A decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of council tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Council’s administrative area, or
- (ii) It relates to or is likely to affect your disclosable pecuniary interest as set out in Appendix 1, but in respect of a member of your family (other than those specified at paragraph 7(c)) or a person with whom you have a close association with;

and that interest is not a disclosable pecuniary interest.

10. Special Interests arising in relation to Overview and Scrutiny Committees

You also have a special interest in any business before an Overview and Scrutiny Committee of the Council (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 the Council’s Committees, Sub-Committees, Joint Committees or Joint Sub-Committees-; and

- (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub- committee mentioned in paragraph (1) and you were present when that decision was made or action was taken.

11. Effect of Disclosable Pecuniary Interests and Special Interests on participation

- (1) Subject to sub-paragraph (2), where you have a disclosable pecuniary interest or a special interest in any business of the Council:
 - (a) you 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 you have obtained a dispensation from your authority;
 - (b) you must not exercise Executive Functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a disclosable Pecuniary interest or special interest in any business of the Council, you may attend a meeting (including a meeting of the Overview and Scrutiny Committee of the Council 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.
- (3) If a function of your authority may be discharged by a Member acting alone and you have a disclosable pecuniary interest in any matter to be dealt with or being dealt with in the course of discharging that function you may not take any steps or any further steps in relation to the matter (except for the purpose of enable the matter to be dealt with otherwise than by yourself).
- (4) It is a criminal offence if you fail to register or disclose a disclosable pecuniary interest.

PART 3 – REGISTRATION OF MEMBERS' INTERESTS

Registration of members' interests

- 12. (1) Subject to paragraph 13, you must, within 28 days of:
 - (a) this Code being adopted by or applied to the Council; or
 - (b) your election or appointment to office (where that is later),

- (c) becoming aware of any change in respect of your disclosable pecuniary interests or other interests

Notify the Monitoring Officer who is responsible for maintaining the register of members' interests (maintained under section 29(1) of the Localism Act 2011) details of:

- (i) any disclosable pecuniary interests where they fall within a category mentioned in paragraph 7(1) in so far as you are aware of the interest at that time; and
 - (ii) such other pecuniary and non-pecuniary interests as from time to time referred to on the Register of Members interest form.
- (2) Subject to paragraph 12, you must, within 28 days of becoming aware of any new disclosable pecuniary interest or change to any pecuniary interest registered under paragraph (1), register details of that new pecuniary interest or change by providing written notification to the Council's Monitoring Officer.
 - (3) A copy of the register will be maintained by the Monitoring Officer and published on the Council website.

13. Sensitive Interests

- (1) Where you are concerned that disclosure of the detail of an interest, either a disclosable pecuniary interest or any other interest, which you would be required to disclose at a meeting or on the register of members' interests could lead to you or a person connected to you being subject to violence or intimidation, the member may request the Monitoring Officer to agree that the interest is a "sensitive interest".
- (2) If the Monitoring Officer is in agreement, you will be required to disclose that you have a disclosable pecuniary interest, but not the detail in the matter concerned at meetings, and the Monitoring Officer can exclude the detail of the interest from the published version of the register of members' interests.

14. Gifts and Hospitality

- (1) You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which you have accepted as a member from any person or body other than the Borough Council.
- (2) The Monitoring Officer will place the notification on a public register of gifts and hospitality.

15. Dispensations

- (1) On written request to the Monitoring Officer you may apply for a dispensation relieving you from the requirements in paragraph 8 and 10 of this Code.

- (2) A dispensation may be granted in circumstances where:
- (i) so many members have a disclosable pecuniary interest and are thus prohibited from participating that it would impede the transaction of the business without a dispensation; or
 - (ii) the representation of different political groups on the body would be so upset as to alter the likely outcome of any vote on the matter without a dispensation; or
 - (iii) granting of a dispensation would be in the interest of the inhabitants of the Council's area; or
 - (iv) every member of the Cabinet would be prevented from participating in Cabinet business because of a Disclosable Pecuniary Interest if no dispensation was granted; or
 - (v) it is otherwise appropriate to grant the dispensation.

Any dispensation must specify the duration up to a maximum of four years.

PART 4 – LOCAL PROVISIONS

16. (1) During the period of three weeks before a pre-planned borough election, formal meetings dealing with non-urgent matters shall be avoided (and the Council's meeting calendar adjusted accordingly);
- (2) The only decisions to be taken shall be those which have been agreed on as being urgent in the interests of the Parish;
- (3) Any necessary publicity following such urgent decisions will be strictly factual and non-political and in accordance with Paragraphs 34 and 35 of the Code of Recommended Practice of Local Authority Publicity and, in particular, there shall be no comments made by Councillors in press releases etc.

Appendix 1

You 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) have a disclosable pecuniary interest for the purposes of section 30(3) of the Localism Act 2011 where you have one or more of the following:

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 made or provided within the relevant period in respect of any expenses incurred by a Councillor in carrying out duties as a Councillor, or towards the election expenses of Councillors. 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 The Council: (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Licences	Any licence (along or jointly with others) to occupy land in the area The Council for a month or longer.
Corporate tenancies	Any tenancy where (to the Member's knowledge) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where: (a) that body (to the Councillors knowledge) has a place of business or land in the area of the Council; and (b) either: (i) the total nominal value of the securities exceeds £25,000 or one hundredth 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 exceeds one hundredth of the total issued share capital of that class.

Interpretation

In Appendix 1 set out above, the following words or expressions mean as follows:
 '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;

'Councillor' includes a co-opted member;

'relevant period' means the period of 12 months ending with the day on which the Councillor gives a notification of a disclosable pecuniary interest for the purposes of Section 30(1) or Section 31(7), as the case may be, of the Localism Act 2011;

'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.