

# BUCKLAND PARISH COUNCIL

## CODE OF CONDUCT

Adopted September 2021

Pursuant to section 27 of the Localism Act 2011, Buckland 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 Seven Principles of Public Life (known as the Nolan Principles), which apply to anyone who works as a local public officeholder, including all those who have been elected or appointed to public office, both nationally and locally. These principles are:

**Selflessness:** always act solely in terms of the public interest.

**Integrity:** do not place yourself under any obligation to people or organisations that might try to influence you. Do not take decisions in order to gain benefit for yourself, family or friends. Any interests must be declared.

**Objectivity:** always take decisions impartially, fairly and on merit, without bias.

**Accountability:** always act and take decisions in an open and transparent manner.

**Honesty:** always be truthful.

**Leadership:** show leadership and be willing to challenge poor behaviour.

For the purposes of the 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 subcommittee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or subcommittee.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees or subcommittees, joint committees, or joint subcommittees.

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.

### **Member obligations:**

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

1. A member must always behave in such a way that a reasonable person with knowledge of all the facts would regard as respectful, always treating others and their roles with respect.

2. A member must not act in a way which a reasonable person would regard as bullying, harassment or discrimination.
3. A member should always respect the confidentiality of information where disclosure is not prohibited by law.
4. A member must not seek to improperly confer an advantage or disadvantage on any person or on oneself.
5. A member must always use the resources of the Council in accordance with its requirements, and in the public interest.
6. A member must not act in any way which would bring the role of the member or of the Parish Council into disrepute.
7. A member must always exercise independent judgment, take decisions for good and substantial reasons, and always act in the public interest.
8. Only the Council Clerk is permitted to use social media in the name of the Council. However, a member may use social media in their role as a private individual.
9. Within 28 days of election, appointment, re-election or re-appointment to the Council a member must register with the Monitoring Officer any interests as set out in Tables 1 (Disclosable Pecuniary Interests), 2 (Personal Interests), and 3 (Prejudicial Interests) below.
10. A member shall register with the Monitoring Officer any change to interests, or any new interests, as set out in Tables 1, 2 and 3 below.
11. A member need only to declare the existence, but not the details, of an interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed in the public register, could lead to a member or a person connected with the member to be subject to violence or intimidation.

12. Where a matter arises at a meeting which directly relates to a member's Disclosable Pecuniary Interest as set out in **Table 1**, the member must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless granted a dispensation. If it is a 'sensitive interest', the member does not have to disclose the nature of the interest, just that the member has an interest.
13. Dispensation may be granted in limited circumstances, to enable the member to participate and vote on a matter in which that member has a Disclosable Pecuniary Interest.
14. Where a matter arises at a meeting which is a Personal Interest as set out in **Table 2**, the member must disclose the interest. Unless the Personal Interest is also a Prejudicial Interest within Table 3, the member may still speak on the matter and take part in any discussion or vote on the matter. If it is a 'sensitive interest', the member does not have to disclose the nature of the interest.
15. Where a matter is a Personal Interest within **Table 2 and also** a Prejudicial Interest under **Table 3** the member may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, the member must not take part in any discussion or vote on the matter and must not remain in the room, unless that member has been granted a dispensation. If it is a 'sensitive interest', the member does not have to disclose the nature of the interest.

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

| <b>Subject</b>   | <b>Description</b>   |
|--|--|
| <b>Employment, office, trade, profession or vocation</b> | Any employment, office, trade, profession or vocation carried on for profit or gain.<br>[Any unpaid directorship.]   |
| <b>Sponsorship</b>                                       | Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses.<br>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.  |
| <b>Contracts</b>   | Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor 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<br>—<br>(a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged. |
| <b>Land and Property</b>                                 | Any beneficial interest in land which is within the area of the council.<br>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.   |

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| <b>Licences</b>            | Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer  |
| <b>Corporate tenancies</b> | Any tenancy where (to the councillor's knowledge)—<br>(a) the landlord is the council; and<br>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor 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.   |
| <b>Securities</b>          | Any beneficial interest in securities* of a body where—<br>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and<br>(b) either—<br>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or<br>(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 councillor, or his/ her spouse or civil partner or the person with whom the councillor 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. |

\* '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.

## Table 2: Personal Interests

You have a **personal interest** in any business of your authority where:

1. it relates to or is likely to affect any body of which you are a member or in a position of general control or management and:

- a) to which you are nominated or appointed by your authority  
or
- b) the body
  - (i) exercises functions of a public nature
  - (ii) is directed to charitable purposes or
  - (iii) one of its principal purposes includes the influence of public opinion or policy (including any political party or trade union)

2. A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position 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.

3. A relevant person is –

- i** A member of your family or any person with whom you have a close personal 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; or
- 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 person or body of a type described in paragraph 1 above

**Table 3: Prejudicial Interests**

**Prejudicial Interest Generally**

- 1.1. Subject to Paragraph 1.2, where you have a **personal interest** in any business of the Council you also have a **prejudicial interest** in that business where the interest is one which a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest
  
- 1.2. You do **not** have a **prejudicial interest** in any business of the Council where that business—
  - a. does not affect your financial position or the financial position of a person or body described in Paragraph 3 of **Table 2** above.
  - b. does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in Paragraph 3 of **Table 2** above; or
  - c. relates to the functions of the Council in respect of—
    - i an allowance, payment or indemnity given to councillors;
    - ii setting council tax or a precept under the Local Government Finance Act 1992.