

Donington with Boscobel Parish Council

CODE OF CONDUCT FOR MEMBERS

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PART 1: APPLICATION

This Code applies to all members of the Council including co-opted members and appointed members

It applies to members whenever the member is acting, or appearing or purporting to act, as a member of the Council; or whenever member is acting, or purporting to act, as a representative of the Council.

PART 2: PRINCIPLES

All members of the Council shall aspire to uphold and promote the following principles:

Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty, Leadership, Respect for others.

Whilst it is important that members do their best to uphold and promote these principles, a failure to do so will not, in itself, be a breach of this Code. Those matters which are breaches of the Code are set out below

PART 3: REQUIREMENTS OF THE CODE

3.1 You must

(a) Not use your position as a member to influence, or attempt or purport to influence, any decision or business of the Council in which you have an interest (an interest is defined in sections 4.2, 4.3 and 4.4 of Part 4 below) and you shall comply with the requirements of this Code in relation to interests

(b) 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

(c) Not conduct yourself in a manner which could reasonably be regarded as bringing your office or Council into disrepute

(d) Not bully or harass or attempt to bully or harass any person;

(e) Not intimidate or attempt to intimidate any person

(f) Not do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);

(g) Not 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 consent;

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

3.2 You must:

(a) When using or authorising the use by others of the resources of the Council

(i) Act in accordance with the Council's reasonable requirements;

(ii) Ensure that such resources are not used improperly for political purposes (including party political purposes);

(b) When reaching decisions on any matter have regard to any relevant advice provided to you by—

- (i) Your Council's officers; and
- (ii) Any professional advisers retained by your Council,

(c) Give reasons for all decisions you make in the course of your work as a member and in accordance with any reasonable requirements of your Council.

PART 4: INTERESTS

4.1 General Requirement Regarding Interests

A member shall not influence, or attempt or purport to influence, any decision or business of the Council in which they have an interest. Members shall comply with the requirements of this Code in relation to interests.

4.2 Definition

(a) An interest is either a disclosable pecuniary interest (DPI) or a personal interest. These are defined at sections 4.3 and 4.4 below. One should first ascertain if the interest is a DPI. If it is not then one goes to section 4.4 to see if it is a personal interest.

(b) You will not be considered to have an interest where it arises from an interest of a body or person other than yourself and you were not aware of that body's or person's interest.

4.3 Definition of a Disclosable Pecuniary Interest (DPI)

(a) A DPI is any of the interests described below whether it is yours or the interest of your spouse, civil partner, or person who you live with as if they were your spouse or civil partner (referred to as "your partner" below).

(i) Employment: any employment or office held, or trade, profession or vocation carried on, by you or your partner for profit or gain.

(ii) Sponsorship: any payment or financial benefit towards your election expenses or expenses as a member received within the last 12 months, excluding any from your Council.

(iii) Contracts: any current contract between your Council and you, or your partner, or any body in which you or your partner are a partner, director, or shareholder.

(iv) Land: any land which is in your Council's area which you or your partner own, have a right to occupy, or receive the income from, including a licence to occupy for more than a month.

(v) Corporate tenancies: any tenancy between your Council and a body in which you or your partner are a partner, director, or shareholder.

(vi) Securities: any beneficial interest in any shares or other securities of any description in a body, held by you or your or your partner, if the body has a place of business or land in your Council's area, and:

- the total value of the securities held is over £25,000, or
- you or your partner hold more than one hundredth of the total issued share capital of the body, or
- if the body has more than one class of shares, you or your partner hold more one hundredth of the issued share capital of that class

(b) Note: the descriptions of DPI's above are summaries of the definitions in the regulations. The relevant regulations which contain the legal definitions are The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 to which you can refer if you are in doubt. You are advised to consult your Council's Clerk in the first instance.

(c) A failure to disclose a DPI, or providing information regarding a DPI which is false or misleading, or taking part in the business of the Council when one has such an interest, are criminal offences in most circumstances, as set out in the Localism Act 2011. They will also be breaches of this Code.

4.4 Definition of a Personal Interest

(a) You have a personal interest in any business of your Council where that business might reasonably be regarded as affecting the well-being or financial position of

(i) Yourself, your spouse or civil partner, or person you live with as your partner, or any person with whom you have a close association

(ii) Anybody of which a person in (i) above is a member, or a partner, or of which they are a director, or in a position of general control or management (iii) any person or body from whom you have received a gift or hospitality with an estimated value of at least £40 within the last three years; and that business might reasonably be regarded as affecting their wellbeing or financial position to a greater extent than the majority of those living in your Council's area.

(b) Exceptions: you do not have a personal interest in respect of any business of the Council concerning:

(i) Housing, where you are a tenant of your Council provided that those functions do not relate particularly to your tenancy or lease;

(ii) School meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(iii) Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(iv) An allowance, payment or indemnity given to members;

(v) Any ceremonial honour given to members; and

(vi) Setting council tax or a precept under the Local Government Finance Act 1992.

(c) A close associate can be a family member, a friend, or business or other associate. It is someone you have a close enough relationship with so that a reasonable person might well think that your concern for them might influence your views on the item of Council business.

4.5. Disclosure of interests at meetings

(a) Where you attend a meeting of the Council or any of its bodies, or of any body where you are a representative of the Council which considers any business in which you have an interest, you must disclose to that meeting the existence and nature of that interest either:

(i) When invited to do so at or near the commencement of the meeting, or

(ii) At the commencement of the consideration of that business, or (if later)

(iii) As soon as the interest becomes apparent.

(b) Where you have an interest but, by virtue of paragraph 4.7 it is a Sensitive Interest, you must indicate to the meeting that you have an interest, but need not disclose the sensitive information to the meeting.

4.6 Other Actions to be undertaken by Members with an Interest

(a) In support of the general requirement of this Code that a member shall not influence, or attempt or purport to influence, any decision or business of the Council in which they have an interest there are the following specific requirements:

(i) A member with an interest in a matter shall not participate in any discussion or consideration of that matter at any meeting of the Council or any of its bodies, or of any body where the member is a representative of the Council

(ii) A member shall withdraw from any such meeting for the whole time there is a discussion or consideration of the matter in which the member has an interest

(iii) A member shall not vote on any matter in which the member has an interest

4.7 Sensitive Interests

(a) A Sensitive Interest is an interest that the member or co-opted member with the interest consider disclosure of the details of which could lead to that member or co-opted member, or a person connected with that member or co-opted member, being subject to violence or intimidation.

(b) Copies of the Council's Register of Members' Interests that are made available for inspection, and any published version of the Register, must not include details of the interest but will state that the member or co-opted member has an interest the details of which are withheld under the Localism Act 2011.

(c) A member or co-opted member with a Sensitive Interest, when declaring such an interest at a meeting, need not disclose details of the interest but merely the fact that they have a Sensitive Interest in the matter concerned.

(d) A member with a Sensitive Interest is subject to all the other provisions of this Code in relation to that interest, including those which prevent members with an interest influencing, or attempting or purporting to influence, any decision or business of the Council in which they have an interest

4.8 Dispensations

(a) The Monitoring Officer may grant a dispensation allowing a member or co-opted member with an interest to

(i) Participate, or participate further, in any discussion of the matter, or

(ii) Participate in any vote, or further vote, taken on the matter at a meeting where the discussion or meeting are in the course of the Council's business

(b) The Monitoring Office may only grant a dispensation if, after having had regard to all relevant circumstances, he

(i) Considers that without the dispensation the number of persons prohibited from participating by section 31(4) of the Localism Act or this Code in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business, or

(ii) Considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business, or

(iii) Considers that granting the dispensation is in the interests of persons living in the authority's area, or

(iv) Considers that it is otherwise appropriate to grant a dispensation.

(c) A dispensation under this Code must specify the period and matters for which it has effect, and the period specified may not exceed four years.

4.9 Registration of members' DPI's

(a) Members must, within 28 days of either this Code being adopted by Council; or their election or appointment to office (whichever is later) register in the Council's Register of Members' Interests details of their disclosable pecuniary interests (DPI's) as defined in section 4.3

(b) Registration shall be by providing to the Monitoring Officer, through your Council's Clerk, a fully completed form provided by the Council for this purpose.

(c) Members must, within 28 days of becoming aware of any new DPI or change to any such interest already registered, register details of that new interest or change by providing written notification with sufficient details of the change to the Monitoring Officer for the Monitoring Officer to properly update the Register. Once again this should be done through your Council's Clerk.

(d) Where a member has declared a DPI at a meeting which is not in the Council's Register of Member's Interests, and in respect of which no notice has already been given to the Monitoring Officer, the member shall, within 28 days of making the declaration, provide sufficient details of the interest for the Monitoring Officer to properly update the Register. This should be done through your Council's Clerk.