

CODE OF CONDUCT FOR DALTON PIERCY PARISH COUNCILLORS

INTRODUCTION

This code applies to you as a parish councillor for Dalton Piercy (whether elected or co-opted) and when you act in your role as a parish councillor it is your responsibility to comply with the provisions of this code.

You are a representative of this Parish Council and the public will view you as such. Therefore your actions impact on how the Parish Council as a whole is viewed and your actions can have both positive and negative impacts on the Parish Council .

This Code is adopted through the requirement for Dalton Piercy Parish Council to promote and maintain high standards of conduct by its Members, under Section 27 of the Localism Act, 2011. The Code has application to those “principles of public life” as set out below under paragraphs (i) – (vii) as specified under the Localism Act, 2011 and the Parish Council has decided to incorporate the additional principles as set out within paragraphs (viii) – (x).

PRINCIPLES OF PUBLIC LIFE

(i) SELFLESSNESS

Holders of public office should act solely in terms of the public interest

(ii) INTEGRITY

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

(iii) OBJECTIVITY

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

(iv) ACCOUNTABILITY

Holders of public office are accountable to the public for their decisions and actions to the public and must submit themselves to the scrutiny necessary to ensure this.

(v) OPENNESS

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

(vi) HONESTY

Holders of public office should be truthful.

(vii) LEADERSHIP

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

(viii) RESPECT FOR OTHERS

Councillors should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the Clerk.

(ix) DUTY TO UPHOLD THE LAW

Councillors should uphold the law and, on all occasions act in accordance with the trust that the public is entitled to place in them. This principle (which is to have general application) is intended to apply through an individual’s election or co-option to the Parish Council, and their acceptance of the office of Councillor.

(x) PERSONAL JUDGEMENT

Councillors may take account of the view that others but should reach their conclusion on the issues before them and act in accordance with those conclusions.

As a Parish Councillor your conduct will, in particular, address the statutory principles of the Code of Conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me – and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the Council's area or the good governance of the Parish Council in a proper manner.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a Councillor for Dalton Parish.
- Listening to the interests of all parties, including relevant advice from the Clerk, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this Council's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other Councillors to account but restricting access to information when the wider public interest or the law requires it.
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this Parish Council's policies, protocols and procedures, including on the use of the Council's resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public and engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Parish Council.

[based on the Local Government Association 'Template Code and Guidance Note on Conduct']

Interpretation

In this Code;

"Disclosable Pecuniary Interest" has the meaning and description as detailed in the Schedule to this Code of Conduct.

"Meeting" means any meeting of;

- (a) the Parish Council;

- (b) whether or not the press and public are excluded from the meeting in question by virtue of a resolution of Councillors.

“Member” is any elected or co-opted Councillor.

GENERAL OBLIGATIONS

1. When acting in your role as a Member of the Parish Council
 - 1.1 You must treat others with respect.
 - 1.2 You must not conduct yourself in a manner which is contrary to the Parish Council’s duty to promote and maintain high standards of conduct amongst its Members.
 - 1.3 You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe or are reasonably aware, is of a confidential nature, except where –
 - (i) you have the consent of the 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 legal advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is –
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the Parish Council; and
 - (c) you have consulted with the Borough Council’s Monitoring Officer prior to its release.
 - 1.4 You must not prevent any other person from gaining access to information to which that person is entitled by law.
2. When using, or authorising the use by others of, the resources of the Parish Council:
 - 2.1 You must act in accordance with the Parish Council’s reasonable requirements including the requirements of the Parish Council’s applicable policies, copies of which have been provided to you and which are deemed to have been read;
 - 2.2 You must ensure that such resources are not used improperly for political purposes (including party political purposes) and
 - 2.3 You have regard to any applicable Code of Recommended Practice on Local Authority publicity issued under Section 4 of the Local Government Act, 1986 and to the Secretary of State’s power to direct compliance with the Code

INTERESTS

3. As a public figure, your public role may, at times, overlap with your personal and/or professional life and interests. However, when performing your public role as a Member of the Parish Council you should act solely in terms of the public interest and should not act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests.
4. You are required to register “pecuniary” and such other interests as directed. A failure to declare or register a pecuniary interest will be a criminal offence if this is done without a reasonable excuse. If you knowingly or recklessly provide false or misleading information about a pecuniary interest this will also be a criminal offence.
5. There will be a requirement for you to formally declare or register any gifts and hospitality over £25. *Further, you should also have regard to the following considerations;*
 - *you should not accept any gift or hospitality which might interfere with or be perceived as impacting on Parish Council business or services,*

- *you should not accept significant personal gifts from any contractor and/or outside suppliers or agents thereof,*
- *you should only accept hospitality if there is a genuine need to impart information or to represent the Parish Council (or a body to which you are appointed by Council) in the community*
- *you should also be particularly sensitive to receiving gifts and/or hospitality which may relate to the timing of a decision which the Parish Council may be taking which affects those from whom the gift and/or hospitality was received,*
- *the advice of the Borough Council's Monitoring Officer should be obtained where necessary or desirable.*

(i) Notification of Interests

(1) You must, within 28 days of –

- (a) this Code being adopted by or applied to your Parish Council or
- (b) your election or appointment to office (where that is later);

notify the Parish Clerk (and in turn the Monitoring Officer) of your disclosable pecuniary interests that are notifiable under the Localism Act 2011 and The Relevant authorities (Disclosable Pecuniary Interest) Regulations 2012, for inclusion in the register of interests, and notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the following descriptions, for inclusion in the register of interests.

(2) You have a personal interest in any business of the Parish Council where either –

(a) it relates to or is likely to affect –

(i) any body of which you are a member or in a position of general control or management;

(ii) any body:

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;

(iii) any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.

(3) You must, within 28 days of becoming aware of any new interest or change to any interest registered under paragraph (1) above, or as a disclosable pecuniary interest notify the Parish Clerk (and in turn the Monitoring Officer) of the details of that new interest or change.

(ii) Disclosure of interests

(1) Subject to sub-paragraphs (2) to (5) below, where you have a personal interest described in paragraph (2) above or in paragraph (2) below in any business of your Parish Council, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of your Parish Council at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) (A) You have a personal interest in any business of your Parish Council

- (i) where 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 electoral division or ward, as the case may be, affected by the decision, or
- (ii) it relates to or is likely to affect any of the interests you have registered as a disclosable pecuniary interest.
- (B) In sub-paragraph (2)(A) (i), a *relevant person* is –
 - (a) a member of your family or any person with whom you have a close association; or
 - (b) 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;
 - (c) 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 (d) any body of a type described in paragraph (i) (2)(a)(i) or (ii).
- (3) Where you have a personal interest in any business of your Parish Council which relates to or is likely to affect a person described in paragraph (i) (2)(a)(i) or (i) (2)(a)(ii)(aa) above, you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (4) Where you have a personal interest but, by virtue of paragraph (iv), sensitive information relating to it is not registered in your Parish Council's Register of Members' Interests, you must indicate to the meeting that you have a personal interest but need not disclose the sensitive information to the meeting.
- (5) Where you have a personal interest in any business of your Parish Council and a meeting of the Parish Council has made a decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(iii) Register of interests

Any interests notified to the Parish Clerk (and the Monitoring Officer) will be included in the Register of Interests.

A copy of the Register will be available for public inspection and will be published on the Parish Council's website.

(iv) Sensitive interests

Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Borough Council's Monitoring Officer agrees, if the interest is entered on the Register, copies of the Register that are made available for inspection and any published version of the Register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

(v) Non-participation in case of pecuniary interest

- (1) Where you have a personal interest in any business of your Parish Council you also have a pecuniary interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business –
 - (a) affects your financial position or the financial position of a person or body described in paragraphs (i) (2) or (ii) (2) or
 - (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph (ii).

- (2) Subject to paragraph (3) and (4), where you have a pecuniary interest in any business of your Parish Council:
- a) You may not participate in any discussion of the matter at the meeting.
 - b) You may not participate in any vote taken on the matter at the meeting.
 - c) If the interest is not registered, you must disclose the interest to the meeting.
 - d) If the interest is not registered and is not the subject of a pending notification, you must notify the Parish Clerk (and Monitoring Officer) of the interest within 28 days.

Note: In addition, applicable Parish Council Procedure Rules may require you to leave the room where the meeting is held while any discussion or voting takes place.

- (3) Where you have a pecuniary interest in any business of your Parish Council, you may attend a meeting 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 and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

PRE-DETERMINATION OR BIAS

5. Where you have been involved in campaigning on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your role as Member, however you should not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your Parish Council duties.
6. When making a decision, you need to consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

SCHEDULE

A “disclosable pecuniary interest” is an interest of yourself 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) within the following descriptions:

(In the extracts from the Regulations below, ‘M’ means you and ‘relevant person’ means you and your partner, as above)

<i>Subject</i>	<i>Prescribed description</i>
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 period in respect of any expenses incurred by M in carrying out duties as a Parish Councillor, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority – <ol style="list-style-type: none"> (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

Land	Any beneficial interest in land which is within the area of the relevant authority.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge) – (a) the landlord is the relevant authority; and (b) 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 M's knowledge) has a place of business or land in the area of the relevant authority; 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.

[Extract from 'The Relevant Authorities (Disclosable Pecuniary Interests) Regulations, 2012]