

# Code of Conduct

## Introduction

Pursuant to section 27 of the Localism Act 2011, and other related legislation Brown Edge 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 principles of

- selflessness,
- integrity,
- objectivity,
- accountability,
- openness,
- honesty,
- leadership.

## Definitions

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.

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.

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, he/she has the following obligations.

- 1) S/he shall behave in such a way that a reasonable person would regard as respectful.
- 2) S/he will not act in a way that the public believes that the role of councillor defers special privileges other than representing the communities views and making decisions at Parish Council Meetings.
- 3) S/he will not purport to be acting on behalf of the council or representing their views unless given express authority from the council for doing so.
- 4) S/he shall not act in a way which a reasonable person would regard as bullying or intimidatory.
- 5) S/he shall not seek to improperly confer an advantage or disadvantage on any person.
- 6) S/he shall use the resources of the Council in accordance with its requirements.
- 7) S/he shall not disclose information which is confidential or where disclosure is prohibited by law.

## Registration of interests

- 8) 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 with the Clerk the interests which fall within the categories set out in "Interests that must be declared". Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register with the Clerk any interests in "Interests that must be declared".
- 9) A member shall register with the Clerk any change to interests or new interests in "Interests that must be declared" within 28 days of becoming aware of it.
- 10) A member need only declare the existence but not the details of any interest which the Clerk 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.
- 11) The register of interests is maintained by the clerk and displayed on the council website

## Declaration of interests at meetings

- 12) For the sake of clarity for councillors and the public and to assist in the interpretation of the various rules and guides in circulation, Brown Edge Parish Council defines councillors interests as such

- a) **Disclosable pecuniary interests.** Where a councillor or his spouse, partner or business associate will potentially gain advantage or benefit from an item being discussed
- b) **Disclosable personal interests.** Where some organisation, friend, or relative associated with the member will benefit
- c) Non disclosable interests

They are disclosable because they have to be registered with the Clerk within 21 days of taking office and amended within 21 days of a change in status. They also have to be disclosed and recorded at any item of business that is being discussed and appropriate action taken.

- 13) Where a matter arises at a meeting which relates to a Disclosable Pecuniary interest the member shall not participate in a discussion or vote on the matter. S/he only has to declare what his/her interest is if it is not already entered in the member's register of interests or if s/he has not notified the Clerk of it. S/he should remove themselves from the Councillors chair and sit with the public. There is no need to leave the room unless the press and public have also been excluded
- 14) Where a matter arises at a meeting which relates to disclosable personal interest, the member shall not vote on the matter. He/she may speak on the matter if invited by the Chairman.
- 15) Other items may not be disclosable but still carry some kind of personal benefit or that members of the public could consider that the opinion of the councillor was not really independently acting for the whole community. This is a matter of personal conscience for the councillor concerned. If s/he is in any doubt s/he should speak to the clerk and chairman in confidence either before or during a short adjournment of the meeting. If the Councillor feels that the public could consider his views not to be truly independent then he should declare a personal interest and not vote although s/he can speak.
- 16) Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate, the member shall disclose the nature of the interest and not vote on the matter. S/he may speak on the matter. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.
- 17) If a councillor inadvertently fails to declare an interest during a meeting of a non disclosable interest then s/he should inform the Clerk who will record this fact in the minutes,
- 18) If the clerk or another councillor identifies that a non disclosable interest has not been disclosed the matter should be placed on the agenda for discussion at the next meeting. The council will decide the course of action to take by motion which can vary from "it was noted that Cllr XXX inadvertently failed to disclose an interest and has subsequently informed the clerk of this matter" to "This council is disappointed that Cllr XXX failed to declare an interest in item y on the x month agenda."
- 19) The council has no further sanction on non disclosable interests.

## Dispensations

- 20) On a written request made to the Council’s proper officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if s/he has a disclosable interest below.
- 21) 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 it is in the interests of the inhabitants in the Council’s area to allow the member to take part it is appropriate to grant a dispensation.

## Interests that must be declared

<p>Disclosable Pecuniary interests that must be registered with the clerk including interests of spouses or civil partners</p>	<p>Employers (self employed details also)            Companies associated with (acting as consultants , advisors or shareholding of more than 5%)            Property owned or part owned (within the parish only)            Relationship with any companies/people undertaking work on behalf of the council</p>
<p>Disclosable Personal Interests that must be registered with the clerk including interests of spouses or civil partners</p>	<p>Political parties membership            Charities where councillors have a vote or act on their behalf            Trade union membership            Local community action groups or community groups that councillors are associated with            Any other items that councillors wish to register where they feel members of the public could consider their vote not to be independent.</p>

## Examples of interest

- A proposed planning application alongside a councillors house will clearly have some kind of impact (positive or negative) and would from members of the public seem that the councillor was making a decision based upon the impact it would have upon them, rather the wider society This is therefore a prejudicial interest. Where exactly this stops i.e. distance away from the councillor’s home is a matter for the Chairman and Clerk to decide prior to the meeting, depending upon the situation. In case of doubt the councillor should declare a disclosable pecuniary Interest.

- A local charity has asked for a grant. If a councillor is employed by that charity then s/he will have a disclosable pecuniary interest. If s/he is a member or the management of the charity with a vote then s/he has a disclosable personal interest.
- If the father in law of a councillor has won a contract or is tendering for a contract then a councillor must register this as a disclosable pecuniary interest even though he personally will not directly gain a benefit as members of the public might reasonably consider that this is not the case.
- A councillor has taken up a parish allotment. S/he has therefore a disclosable interest in this facility or organisation that runs it. Unless S/he is selling produce from the allotment the interest is a personal one.
- A councillor brings a complaint over a neighbour's overhanging trees to his and his other neighbour's land. This is clearly a disclosable pecuniary interest as he is asking for the council to undertake a neighbour dispute on his behalf and is clearly personally involved in it.
- A councillor raises with the council a concern his friends have with noise emanating from a public house. This is a very interesting situation and quite possibly the type of situation that occurs in council life. If his property was adjacent then he would have a disclosable pecuniary interest but as it isn't he would possibly have an interest as he was acting simply because his friends raised it. The question is would a member of the public feel that the councillor had acted out of friendship or for the good of all the community? Probably the best course of action would be for the councillor to advise his friend to write to the council and when the matter arose to declare a personal interest (no need to explain why as this is not a disclosable interest and might be sensitive), S/he can then speak at the meeting but not vote.

Although the law, in the way it attempts to deal with this difficult area keeps changing, in all cases the acid test is:-

***“What would a reasonable member of the public think! Could they think that I am acting out of self interest or interests of my family and friends”.***

If so, then declare an interest. It keeps things clear, above board and in line with the Nolan Principles. In reality if we did this the law would not be needed to be invoked.

# Brown Edge Parish Council Register of Prejudicial Interests

## Update Form

Interest Type	Items to be removed	Items to be added
Pecuniary interests		
Personal interest		

Name of Member Caps

Signature

Date