

## **CODE OF CONDUCT FOR COLD ASH PARISH COUNCIL**

**(Section 27 of the Localism Act 2011)**

### **Introduction**

Pursuant to section 27 of the Localism Act 2011, **Cold Ash Parish Council** has adopted this Code of Conduct at its meeting on **14<sup>th</sup> May 2019** 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.

### **Application**

This Code of Conduct applies to you as a member of this Council when you are acting or purporting to act in your role as a member and you have a responsibility to comply with the provisions of this Code.

This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership. These terms are explained at the end of this Code as **Appendix A “Principles”**.

### **Definitions**

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.

Reference to an authority’s ‘monitoring officer’ and an authority’s ‘standards committee’ shall be read, respectively, as references to the monitoring officer and the standards committee of the unitary authority which has functions in relation to the parish council for which it is responsible under the Localism Act 2011.

### **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:

## Respect

Treat members, officers, members of the public and service providers with courtesy and respect and do not engage in bullying or intimidating behaviour or behaviour which could be regarded as bullying or intimidation.

## Bribery Act 2010

Ensure that you are aware of and comply with the requirements which the Bribery Act 2010 places on you in your role as a Member and on the Council.

## Disclosure of information

Do not disclose information given to you in confidence by anyone or information acquired by you which you believe or are aware is of a confidential nature.

You may disclose such information where:-

- (i) you have the consent of a person authorised to give it
- (ii) you are required to do so by law
- (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice
- (iv) the disclosure is reasonable and in the public interest
- (v) is made in good faith and in compliance with the reasonable requirements of the Council or “its professional advisers”.

## Access to information

Do not prevent another person from accessing information if that person is entitled to do so by law.

## Decision making

When involved in the decision making of the Council:

Have regard to any advice provided to you by the Council's Clerk/Responsible Finance Officer pursuant to their statutory duties.

Give reasons for the decisions in accordance with any legal requirements or reasonable requirements of the Council.

## Resources

When using or authorising the use by others of the resources of the Council:-

Do act in accordance with the Council's reasonable requirements.

Make sure that such resources are used for and in accordance with your duties as a Councillor and are not used improperly.

## Use of information

Do not improperly use knowledge gained solely as a result of your role as a member for the advancement of your disclosable pecuniary interests.

## Publicity

Have regard to the applicable Local Authority Code of Publicity under the Local Government Act 1986.

## **Disclosable Pecuniary Interests And Interests Other Than Disclosable Pecuniary Interests**

### **1. Disclosable Pecuniary Interests**

By virtue of the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 you must disclose and register disclosable pecuniary interests as defined in the foregoing legislation by notifying the Monitoring Officer within 28 days of

- (a) the adoption of this Code or
- (b) becoming a member of the Council or
- (c) becoming aware of such an interest

Failure to disclose such interests may result in prosecution which could result in a fine not exceeding £5,000.00 (Level 5 on the Standard scale).

A Disclosable Pecuniary Interest [DPI] 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). The descriptions of disclosable pecuniary interests are set out in Appendix B to this Code of Conduct.

## **2. Other Interests**

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 Monitoring Officer the interests which fall within the categories set out in Appendices B and C.

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 Monitoring Officer any interests in Appendices B and C.

A member shall register with the Monitoring Officer any change to interests or new interests in Appendices B and C within 28 days of becoming aware of it.

A member need only declare the existence but not the details of any interest which the Monitoring Officer 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.

### **Declaration of interests at meetings**

Where a matter arises at a meeting which relates to an interest in Appendix B the member shall not participate in a discussion or vote on the matter. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it.

Where a matter arises at a meeting which relates to an interest in Appendix B which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.

Where a matter arises at a meeting which relates to an interest in Appendix C, the member shall not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting.

A member only has to declare his/her interest in Appendix C if it is not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter. If he/she holds an interest in Appendix C which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.

Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest in Appendix B), the member shall disclose the nature of the interest and not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a ‘sensitive interest’ the member shall declare the interest but not the nature of the interest.

### **Dispensations**

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 he/she has an interest in Appendices B and C 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 or it is otherwise appropriate to grant a dispensation.

## **Appendix A**

### **THE PRINCIPLES (referred to in paragraph 3 above)**

- **Selflessness**

Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

- **Honesty and Integrity**

Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

- **Objectivity**

Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

- **Accountability**

Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

- **Openness**

Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

- **Leadership**

Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

## **Appendix B**

Interests defined by regulations made under section 30(3) of the Localism Act 2011 and described in the table below.

<b>Subject</b>	<b>Description</b>
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 Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses.
	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 made between the member or between his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a body in which such a person is a partner in a firm, a director of an incorporated body or holds the beneficial interest in securities*) 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.
Land	Any beneficial interest in land which is within the area of the Council.
Licences	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 the member's knowledge)—  (a) the landlord is the Council; and  (b) the tenant is a body in which the member, or his/her spouse or civil partner/ the person with whom the member is living as if they were spouses/civil partners has a beneficial interest.
Securities	Any beneficial interest in securities of a body where—  (a) that body (to the member's 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.

\*'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.

## **Appendix C**

An interest which relates to or is likely to affect:

- (i) any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- (ii) any body—
  - (a) exercising functions of a public nature;
  - (b) directed to charitable purposes; or
  - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)  
of which the member of the Council is a member or in a position of general control or management;
- (iii) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.