

# **WILBY PARISH COUNCIL**

## **Code of Conduct for Members**

Adopted 16<sup>th</sup> July 2018

### **Part I — General Provisions**

#### **Application**

- 1.1 This Code of Conduct applies to you whenever you are acting, claiming to act or giving the impression that you are acting in your capacity as a member of Wilby Parish Council ("the authority"), including:
  - 1.1.1 at formal meetings of the authority, its committees and sub-committees (including joint committees and joint sub-committees)
  - 1.1.2 in discharging your functions as a Parish Councillor
  - 1.1.3 at meetings with officers
  - 1.1.4 at site visits, and
  - 1.1.5 when corresponding with the authority other than in a private capacity
- 12 Where you act as a representative of the authority:
  - 12.1 on another relevant authority, as defined by Section 27(6) of the Localism Act 2011, you must, when acting for that other authority, comply with that other authority's code of conduct; or
  - 12.2 on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

#### **2 General Conduct**

You shall have regard to the following principles which underpin this Code — selflessness, integrity, objectivity, accountability, openness, honesty and leadership (see Appendix B). You must:

- 2.1 provide leadership to the authority and communities within its area, by personal example
- 2.2 respect others and not bully any person
- 2.3 recognise that officers are employed by and serve the whole authority and not do anything which compromises, seeks to compromise or is likely to compromise the impartiality of those who work for, or on behalf of, the authority
- 2.4 respect the confidentiality of information which you receive as a member:
  - 2.4.1 not disclosing confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so, and
  - 2.4.2 not obstructing third parties' legal rights of access to information
- 2.5 not misconduct yourself in a manner which could reasonably be regarded as likely to bring your office or the authority into disrepute

- 2.6 act solely in the public interest and should never use or attempt to use your position improperly to confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate
- 2.7 not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you improperly in the performance of your official duties
- 2.8 make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit
- 2.9 when using or authorising the use by others of the resources of the authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986
- 2.10 exercise your own independent judgment, taking decisions for good and substantial reasons:
  - 2.10.1 attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups
  - 2.10.2 paying due regard to the advice of officers, and in particular to the advice of the statutory officers, namely the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer and
  - 2.10.3 stating the reasons for your decisions and actions where those reasons are not otherwise apparent
- 2.11 be accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office
- 2.12 not intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings in relation to an allegation that a member (including yourself) has failed to comply with their authority's code of conduct
- 2.13 ensure that the authority acts within any equality laws
- 2.14 declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in paragraphs 3 to 4 below
- 2.15 promote and support high standards of conduct, in particular as characterised by the above requirements, by leadership and example.

## Part 2 - Interests

### 3 Registerable Interests

#### You must:

- 3.1 within 28 days of this Code being adopted by or applied to the authority; or your election or appointment to office (where that is later), notify the Monitoring Officer in writing of the details of your interests within the following categories, for inclusion in the authority's register of interests:
  - 3.1.1 any disclosable pecuniary interests you are required to disclose. You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State (see Appendix A) and either:
    - (a) it is an interest of yours, or
    - (b) it is an interest of:
      - (i) your spouse or civil partner;
      - (ii) a person with whom you are living as husband and wife, or
      - (iii) a person with whom you are living as if you were civil partnersand you are aware that that other person has the interest.
  - 3.1.2 details of any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority
  - 3.1.3 details of any body exercising functions of a public nature, any body directed to charitable purposes or any body 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) a member, or
    - (b) in a position of general control or management;
- 3.2 ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests
- 3.3 inform the Monitoring Officer if you consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation. If the Monitoring Officer agrees with your view, the interest is treated as a "sensitive interest" for the purposes of the Code
- 3.4 if a sensitive interest is entered in the authority's register, copies of the register that are made available for inspection, and any published version of the register, will not include details of the interest (but may state you have an interest the details of which are withheld).

## 4 Disclosure of Interests and Participation at Meetings

### 4.1 If you attend a meeting and

4.1.1 have and are aware, or should reasonably be aware, that you have an interest of the type described in paragraph 3.1 above in any matter to be considered, or being considered, at that meeting, and

4.1.2 the interest is not entered in the authority's register of members' interests,

you must disclose to the meeting the fact that you have an interest in that matter and the nature of that interest, at or before the consideration of the item of business or as soon as the interest becomes apparent.

4.2 Where your interest is a "sensitive interest" for the purposes of the Code, you need not disclose the details of the sensitive interest to the meeting, but merely the fact that you have an interest in the matter concerned.

4.3 If you have and are aware, or should reasonably be aware, that you have

4.3.1 a disclosable pecuniary interest in any matter to be considered, or (- being considered, at a meeting, or

4.3.2 any other registerable interest in any matter to be considered, or being considered, at a meeting, and

(a) the matter to be considered, or being considered, at that meeting:

(i) affects your financial position or the financial position of a person or body through whom the interest arises ;or

(ii) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person through whom the interest arises, and

(b) 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 judgment of the public interest,

you must not:

4.3.3 participate, or participate further, in any discussion of the matter at the meeting; or

4.3.4 participate in any vote, or further vote, taken on the matter at the meeting

unless you have first obtained a dispensation from the Monitoring Officer in advance of the meeting.

In addition, if the authority's Procedure Rules require you to leave the room where the meeting is held while any discussion or voting on the matter takes place, you must do so.

4.4 "Meeting" means any meeting organised by or on behalf of the authority, including:

- 4.4.1 any meeting of the authority, or a committee or sub-committee of the authority (including joint committees and joint sub-committees)
- 4.4.2 any briefing by officers; and
- 4.4.3 any site visit to do with business of the authority

## 5 Other Interests

- 5.1 in addition to the requirements of Paragraph 4, where you have an interest described in paragraph 5.3 below in any business of the authority, and
  - 5.1.1 where you are aware or ought reasonably to be aware of the existence of that interest, and
  - 5.1.2 you attend a meeting of the authority at which the business is considered,  
you must
    - 5.1.3 disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- 5.2 Where your interest is a "sensitive interest" for the purposes of this Code, you need not disclose the details of the sensitive interest to the meeting, but merely the fact that you have an interest in the matter concerned.
- 5.3 You have an interest for the purposes of paragraph 5.1 of this Code where:
  - 5.3.1 a decision in relation to that matter might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person or body with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or
  - 5.3.2 it relates to or is likely to affect any of the interests listed in the Table in the Appendix A to this Code, but in respect of a member of your family (other than a "relevant person") or a person or body with whom you have a close association

and that interest is not a disclosable pecuniary interest or any interest you should register in accordance with paragraph 3 of this Code.
- 5.4 If the matter to be considered, or being considered, at that meeting:
  - 5.4.1 affects your financial position or the financial position of a person or body through whom the interest arises ;or
  - 5.4.2 relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person through whom the interest arises, and
  - 5.4.3 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 judgment of the public interest,

you must not:

- 5.4.4 participate, or participate further, in any discussion of the matter at the meeting; or
- 5.4.5 participate in any vote, or further vote, taken on the matter at the meeting

unless you have first obtained a dispensation from the Monitoring Officer in advance of the meeting.

In addition, if the authority's Procedure Rules require you to leave the room where the meeting is held while any discussion or voting on the matter takes place, you must do so.

## **6 Gifts and Hospitality**

- 6.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a member from any person or body other than the authority.
- 6.2 The Monitoring Officer will place your notification on a public register of gifts ( and hospitality.
- 6.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.<sup>6</sup>

## Appendix A

### Disclosable Pecuniary interests

The duties to register, disclose *and* not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011. Breaches of the rules relating to Disclosable Pecuniary Interests may lead to criminal sanctions being imposed.

Chapter 7 of the Localism Act 2011 provides that a pecuniary interest is a "disclosable pecuniary interest" in relation to a member (M), if it is of a description specified in regulations made by the Secretary of State and either:

- (a) it is an interest of M's, or
- (b) it is an interest of:
  - (i) M's spouse or civil partner,
  - (ii) a person with whom M is living as husband and wife, or
  - (iii) a person with whom M is living as if they were civil partners, and M is aware that that other person has the interest.

Disclosable pecuniary interests are defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (Si No. 1464) as follows:

<i>Interest</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 authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, 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).
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—  (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.
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 M's knowledge)—  (a) the landlord is the relevant authority; and

## Securities

(b) the tenant is a body in which the relevant person has a beneficial interest.

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.

For this purpose:

"the Act" means the Localism Act 2011;

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

"director" includes a member of the committee of management of an industrial and provident society;

"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

"M" means a member of a relevant authority;

"member" includes a co-opted member;

"relevant authority" means the authority of which M is a member;

"relevant period" means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act.

"relevant person" means M or M's spouse or civil partner, a person with whom M is living as husband and wife, or a person with whom M is living as if they were civil partners;

"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 B

The Code is underpinned by the following principles of public life which should borne in mind when interpreting the meaning of the Code:-

- i. Selflessness** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
- ii. Integrity** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- iii. Objectivity** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- iv. Accountability** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- v. Openness** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- vi. Honesty** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- vii. Leadership** Holders of public office should promote and support these principles by leadership and example.