

Warfield Parish Council
**CODE OF CONDUCT FOR
MEMBERS & CO-OPTED
MEMBERS**

Approved April 2014
Review by May 2019
Version 1.1

This Code of Conduct was adopted by the Council at its meeting on 31 July 2013, pursuant to the Localism Act 2011 and its duty to promote and maintain high standards of conduct by Members and Co-opted Members of the Council. The code was amended at a meeting of the Council on 30 April 2014.

1. INTRODUCTION

- 1.1 This Code of Conduct has been adopted by the Council pursuant to the Localism Act 2011 and the duty to promote and maintain high standards of conduct by Members and Co-opted Members of the Council.
- 1.2 Failure to comply with the requirements of Section 7 of this Code, other than paragraph 7.3(c), constitutes a criminal offence for which you may be prosecuted. Failure to comply with any of the other sections of the Code or paragraph 7.3(c) may result in public censure of you by the Council.
- 1.3 Members should not participate in a meeting if a reasonable member of the public who is neither complacent nor unduly sensitive or suspicious would in the circumstances conclude that there is a real possibility of bias. This Code requires Members to excuse themselves from involvement in decision making where they have a “Disclosable Pecuniary Interest” or an “Affected Interest” (as defined by the Code) in the matter under consideration.

2. APPLICATION

- 2.1 This Code of Conduct applies to you when you are acting as a Member or Co-opted Member of the Council.

Throughout this Code “Member” shall be deemed to refer also to Co-opted Members.
- 2.2 This Code of Conduct is consistent with and based upon the following principles:-
 - Selflessness
 - Integrity
 - Objectivity
 - Accountability
 - Openness
 - Honesty
 - Leadership

The above terms are expanded in the Annexe to this Code under the heading 'The Principles'.

3. GENERAL OBLIGATIONS

3.1 You must treat others with respect.

3.2 You must not:-

- (a) do anything which may cause the Council to be in breach of any duty not to discriminate contained in the Equality Act 2012;
- (b) bully any person;
- (c) do anything which compromises or is likely to compromise the impartiality of those who work for or on behalf of the Council;
- (d) conduct yourself in a manner which could reasonably be regarded as bringing your office as a Member of the Council into disrepute;
- (e) 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.

4. ACCESS TO AND DISCLOSURE OF INFORMATION

4.1 Do not disclose information given to you in confidence by anyone (including exempt information provided to you by the Council) 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 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 advice provided that the third party agrees not to disclose the information to any other person, or
 - (iv) the disclosure is:-
 - (a) in the public interest
 - (b) made in good faith
 - (c) in the case of exempt information provided to you by the Council, only made after giving two clear working days notice of the intention to disclose (in writing, specifying the information proposed to be disclosed) has been given to the Parish Clerk or in their absence the Deputy Clerk. "Exempt Information" means information described either as such or as confidential.
- 4.2 Do not prevent another person from accessing information if that person is entitled to do so by law.

5. DECISION MAKING

- 5.1 When reaching decisions on any matter you must:-
- (a) have regard to any advice provided to you by the Parish Clerk and/or the Monitoring Officer pursuant to their statutory duties, and
 - (b) give reasons for the decisions in accordance with any legal requirements or any additional requirements imposed by the Council.

6. RESOURCES

- 6.1 When using or authorising the use by others of the resources of the Council you must:-
- (a) act in accordance with the Council's requirements, and
 - (b) ensure that such resources are not used improperly for political purposes (including party political purposes);
- 6.2 You must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986

7. INTERESTS

Disclosable Pecuniary Interests

- 7.1 You have a Disclosable Pecuniary Interest if it falls within the description set out in the Schedule to this Code and either:-
- (a) it is your interest, or
 - (b) it is an interest of your spouse or civil partner, a person with whom you are living as husband and wife/as if you were civil partners AND you are aware that such other person has an interest.
- 7.2 Within 28 days of becoming a Member you must notify the Parish Clerk of any Disclosable Pecuniary Interests which you have. Where you become a Member as a result of re-election or re-appointment the requirement to notify the Parish Clerk only applies in relation to Disclosable Pecuniary Interests not already notified.
- 7.3 If you are present at a meeting and you are aware that you have a Disclosable Pecuniary Interest in any matter to be considered:-
- (a) if the interest is not registered you must disclose the interest to the meeting **and** notify the Parish Clerk within 28 days;
 - (b) you must not participate in discussion of the matter, or vote on the matter **unless** you have been granted a dispensation by the Parish Clerk.
 - (c) if you are required by the Council's Standing Orders to withdraw from the meeting you should notify the Parish Clerk or officer in attendance at the meeting that you are withdrawing as you have an Interest in the matter.

7.4 If you have a Disclosable Pecuniary Interest in a matter you must not seek improperly to influence a decision about it.

8. **Affected Interests**

8.1 You have an Affected Interest in a matter if:-

(a)

(i) a decision in relation to that matter might reasonably be regarded as affecting the financial position of an Affected Person to a greater extent than the majority of other residents in the Parish, or

(ii) it is an application for a Licence, permission or consent made by an Affected Person or which (to your knowledge) an Affected Person has made objection to the Council

AND

(b) a member of the public, who knows the relevant facts, would reasonably think that the interest is so significant that it would be likely to prejudice your judgement of the Public Interest.

The following are "Affected Persons":-

(a) you

(b) your spouse/partner

(c) your parents and grandparents and those of your spouse/partner

(d) your children and grandchildren and those of your spouse/partner

(e) your employer, business partner or any person whom you have undertaken work for in the previous two years, and

(f) your employee

(g) a company in which the total nominal value of the securities held by you/your spouse or partner exceeds £25,000 or more than ten per cent of the total issued share capital

(h) a company which a Member, his/her spouse, partner, parent, grandparent, child or grandchild is a Director of

(i) a company which a sibling of a Member or of his/her spouse or partner is a Director of

(j) a Limited Liability Partnership in which a Member his/her spouse, partner, parent, grandparent, child or grandchild is a Partner and,

(k) a Limited Liability Partnership in which a sibling of a Member or his/her spouse or partner is a Partner

(l) a sibling of a Member or his/her spouse or partner

(m) a person with whom you have a close association

8.2 Within 28 days of becoming a Member you must notify the Monitoring Officer (in order for him/her to make entries in the Register of Member's Interests):

(a) the name of any company which you, your spouse or partner are a director of and

- (b) the name of any Limited Liability Partnership which you, your spouse or partner are a partner in.
- 8.3 If you are present at a meeting and you are aware that you have an Affected Interest in a matter to be considered:-
- (a) if the interest is not registered you must disclose the interest to the meeting **and** notify the Parish Clerk within 28 days (if the Parish Clerk determines that the interest is a Disclosable Pecuniary Interest the interest shall be entered on the Council's register of interests).
- (b) you must not participate in discussion of the matter or vote on the matter **unless** you have been granted a dispensation by the Parish Clerk.
- (c) if you are required by the Council's Standing Orders to withdraw from the meeting you should notify the officer in attendance at the meeting that you are withdrawing as you have an interest in the matter.
- 8.3 If you have an Affected Interest in a matter you must not seek improperly to influence a decision about it.

9. Sensitive Interests

- 9.1 If you have a Disclosable Pecuniary Interest or an Affected Interest but you consider that disclosure of the interest could lead to you or a person connected with you being subject to violence or intimidation **and** the Parish Clerk agrees with that assessment then instead of disclosing the interest you need only disclose *the fact* that you have a Disclosable Pecuniary Interest or an Affected Interest (as the case may be) *without giving details of that interest*.

10. Membership of External Organisations and Associations

- 10.1 This section of the Code applies where you are a member of or in a position of general control or management of any body:-
- (a) exercising functions of a public nature
- (b) directed to charitable purposes, or
- (c) one of whose principal purposes includes the influencing of public or policy (including any political party or trade union)
- and you have **not** been appointed or nominated in such capacity by the Council.
- 10.2 Within 28 days of becoming a Member you must notify the Parish Clerk of your membership/position. Where you become a Member as a result of re-election or reappointment, the requirement to notify the Clerk only applies in relation to a membership/position not already notified. The membership/position will be recorded on the Council's register of Member's interests.
- 10.3 If you are present at a meeting at which a matter is to be considered which affects that body to a greater extent than the majority of residents in the Parish you shall disclose to the meeting your connection to the body immediately prior to

consideration of the matter. You need not withdraw from the meeting but you should within 28 days notify the Parish Clerk of the membership/position unless notification has previously been given.

11. Registration of Gifts and Hospitality

You should promptly register any gifts or hospitality the value of which exceeds £25 (or the reasonably estimated value of which exceeds £25 where the value is not disclosed) which you and/or your spouse/partner receive because (or when it can reasonably be inferred because) you are a Member of the Council.

SCHEDULE: Categories of Disclosable Pecuniary Interest

Subject	Prescribed Description
Employment, office trade, professional or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	<p>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 you in carrying out duties as a Member, or towards your election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992</p>
Contracts	<p>Any contract which is made between you or a relevant person (or a body in which you or a relevant person has a beneficial interest) and the Council –</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged</p>
Land	Any beneficial interest in land which is within the Parish.
Licences	Any licence (alone or jointly with others) to occupy land in the Parish for a month or longer.
Corporate tenancies	<p>Any tenancy where (to your knowledge) -</p> <p>(a) the landlord is the Council; and</p> <p>(b) the tenant is a body in which you or a relevant person has a beneficial interest</p>
Securities	<p>Any beneficial interest in securities of a body where –</p> <p>(a) that body (to your knowledge) has a place of business or land in the Parish; and</p> <p>(b) either –</p>

	<p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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 you or a person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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Definitions

“body in which you or a relevant person has a beneficial interest” means a firm in which you or a relevant person is a partner or a body corporate of which you or a relevant person is a Director, or in the securities of which you or a relevant person has a beneficial interest.

“director” includes a member of the Committee of management of an industrial provident society.

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

“relevant period” means the period of one year ending with the day on which you give a notification of your Disclosable Pecuniary Interests to the Parish Clerk.

“relevant person” is a person falling within 7.1(b) above.

“securities” means shares, debentures, debenture 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.

ANNEXE: THE PRINCIPLES

- **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.