

Osbaston Parish Council



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Code of Conduct

1 Introduction

- 1.1 Pursuant to Chapter 7 of the Localism Act 2011, Osbaston Parish Council has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members (both elected and co-opted) whenever they conduct the business of the Council.
- 1.2 The purpose of this Code of Conduct is to assist Members in the discharge of their obligations to the Council, their local communities and the public at large by setting out the standards of conduct that are expected of Members of the Parish Council when they are acting in that capacity, and in so doing providing the openness and accountability necessary to reinforce public confidence in the way in which Members perform those activities.
- 1.3 The Code applies to Members in all aspects of their activities as a Member, including when acting on Parish Council business, Ward business or when otherwise purporting to act as a Member. It does not seek to regulate what Members do in their purely private and personal lives.
- 1.4 Members have a duty to uphold the law, including the general law against discrimination and the requirements of the Localism Act, and to act on all occasions in accordance with the public trust placed in them.
- 1.5 Members have an overriding duty to act in the interests of their Parish Council's area as a whole, but also have a special duty to represent the views of the residents and communities of their ward.

- 1.6 Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and always in favour of the public interest.
- 1.7 Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Parish Council and never undertake any action which would bring the Parish Council, or its Members or officers generally, into disrepute.

2. General Principles of Conduct

- 2.1 In carrying out their duties in exercising the functions of the Parish Council, members will be expected to observe the following general principles of conduct. These principles will be taken into consideration when any allegation is received of breaches of the provisions of the Code.

2.1.1 Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

2.1.2 Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

2.1.3 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.

2.1.4. 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.

2.1.5. 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.

2.1.6 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.

2.1.7. Leadership

Holders of public office should promote and support these principles by leadership and example.

3. Rules of Conduct

3.1 Members shall in particular observe the following rules when acting as a Member of the Parish Council:

- 3.1.1 Treat others with respect and courtesy.
- 3.1.2 Do not do anything which may cause the Parish Council to breach any of its equality duties (in particular as set out in the Equality Act 2010);
- 3.1.3 Do not bully any person nor 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 has failed to comply with his or her Parish Council's code of conduct
- 3.1.4 Do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of Osbaston Parish Council
- 3.1.5 Do not use or attempt to use their position as a member improperly to confer on or secure for the member or any other person, an advantage or disadvantage
- 3.1.6 Do be aware of the requirements of the Bribery Act 2010 and that offences under the Act include the situation where a Member requests, agrees to receive or accepts a financial or other advantage intending that in consequence any function of a public nature, any activity connected with the Parish Council or any activity to be performed by or on behalf of the Parish Council or others should be performed improperly.
- 3.1.7 Do not act in a manner which could reasonably be regarded as bringing the Parish Council into disrepute.

4. Registration and Declaration of Interests

4.1 Members shall fulfil conscientiously the requirements of the Parish Council in respect of the registration of interests in the Register of Members' Interests and, where it is required or appropriate to do so, shall always draw attention to any relevant interest in any proceeding of the Parish Council and/or its Committees.

4.2 Members shall observe the following rules when acting as a Member of the Parish Council:

- (a) Fulfil the requirements of the law and the Parish Council in registering your interests in the Register of Members' Interests.
- (b) Draw attention to any relevant interest, where it is required or appropriate to do so, in any proceeding of the Parish Council or its Committees with which you are involved or in any communications with any colleague, officer or outside body in your role as a member
- (c) Do approach the Monitoring Officer if you feel that your interest should be treated as sensitive because it could lead to you, or a person connected with you, being subject to violence or intimidation.

5. Disclosable Pecuniary Interests

5.1 The following table indicates those interests which members should declare as "Disclosable Pecuniary Interests", as outlined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (Statutory Instrument 2012 Number 1464):

Interest	Description
Employment, office, trade, profession or vacation	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 you in carrying out duties as a member, or towards your 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 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 which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant Authority.
Licences	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 which has not been fully discharged.
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 either the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or 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.

N.B - 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 Parish Council; “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) – “A member or co-opted member of a relevant authority must, before the

end of 28 days beginning with the day on which the person becomes a member or co-opted member of the Parish Council, notify the monitoring officer of any disclosable pecuniary interests which the person has at the time when the notification is given.” or 31(7) – “If the interest is not entered in the register and is not the subject of a pending notification, the member must notify the monitoring officer of the interest before the end of 28 days beginning with the date when the member becomes aware that the condition in subsection (6)(b) (which states “the member has a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, by the member in the course of discharging that function”) is met in relation to the matter” as the case may be, of the Act

“**relevant person**” means M or any other person referred to in section 30(3)(b) of the Act, namely 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, and M is aware that that other person has the interest

“**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.

5.2 In relation to Disclosable Pecuniary Interests, all members should ensure that they comply with:

a) the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which they have a disclosable pecuniary interest.

(b) 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.

(c) make verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.

5.3 All members must ensure that when present at a meeting of the Parish Council or of any committee, sub-committee or joint committee of the Parish Council and they become aware that they have a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting that they do not participate or participate further in the discussions of the matter at the meeting; and that they do not participate in any vote, or further vote, taken on the matter at the meeting

6. Other Interests

6.1 In addition to the requirements set out above, members who attend a meeting at which any item of business to be transacted and they become aware that they have a “**non-disclosable pecuniary interest**” or a “**non-pecuniary interest**” in that item, they must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.

6.2 A member is considered to have a “non-disclosable pecuniary interest or non-pecuniary interest” in an item of business for the Parish Council when:

6.2.1 A decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of any member or relative of a member or a person with

whom the member has 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 the member has been elected

6.2.2 It relates to or is likely to affect any of the interests listed in this Code, but in respect of a family member (other than a “relevant person”) or a person with whom the member has a close association and that interest is not a disclosable pecuniary interest

- 6.3 Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate of a Member, then the member must disclose the nature of the interest and may not vote on the matter. The Member may speak on the matter only if members of the public are also allowed to speak at the meeting.
- 6.4 If it is a “sensitive interest”, the member should declare the interest but not the nature of the interest.

7. Gifts and Hospitality

- 7.1 As a Member you must, within 28 days of being offered or receiving any gift or hospitality, notify the Monitoring Officer in writing who will then place a notification on a public register of gifts and hospitality.
- 7.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Parish Council for this purpose.

8. General

- 8.1 Do act in accordance with the Parish Council’s standing orders (Procedure Rules) where members are present at a meeting of the Parish Council or of any committee, sub- committee, joint committee or joint sub-committee of the Parish Council; and are or become aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting.
- 8.2 Do base your conduct when acting as a Member on a consideration of the public interest, avoiding conflict between your personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.