

# PORTBURY PARISH COUNCIL



## CODE OF CONDUCT FOR MEMBERS

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# PORTBURY PARISH COUNCIL

## Code of Conduct for Members

### Preamble

When a person has been elected as a Councillor they are never a member of the general public in relation to any matter before the Council. Although this means they lose certain privileges available to the general public that is the consequence of holding public office. This situation continues until the Councillor ceases to be a member of Council at all times.

### The General Principles of Public Life

At all times regard shall be had to the principles governing the conduct of Members and co-opted Members of Council as set out under Section 28 of the Localism Act 2011, namely:-

*(a) Selflessness:*

By which we mean that Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person or in order to gain any personal financial or other material benefits.

*(b) Integrity:*

By which we mean that Members should not place themselves in situations where their integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour. Members may take into account the views of others, but must reach their own conclusion on the issues and act in accordance with those conclusions.

*(c) Objectivity:*

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

*(d) Accountability:*

By which we mean that 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.

*(e) Openness:*

By which we mean that 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. They should restrict information only when the wider public interest demands.

*(f) Honesty:*

By which we mean that Members 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.

*(g) Leadership:*

By which we mean that Members should promote and support these principles by leadership, and by example.

## **1.0 Scope of Rules**

1.1 These Rules apply to all decision making processes of the Council in which Members of Council are involved and whenever they are acting as a Councillor.

1.2 These Rules apply to co-opted members of Committees in their position as such members and a copy of the Members' Code of Conduct including these Rules will be given to all co-opted Members on co-option to a Committee or Board.

1.3 A record shall be kept by the Clerk to the Parish Council of all declarations of interest, wherever in the decision making processes of the Council the declaration is made, together with the record of the decision in relation to which the declaration is made, usually in the minutes of the relevant meeting.

1.4 The Member Code of Conduct as adopted by this Council forms Appendix 1 to these Rules.

## **2.0 Inspection of Land, Premises, Etc**

2.1 Unless specifically authorised to do so by the Council, a member of the Council shall not issue any order respecting any works which are being carried out by or on behalf of the Council or claim by virtue of his membership of the Council any right to inspect or to enter upon any lands or premises which the Council have the power or duty to inspect or enter.

## **3.0 Legal Advice on Interests Issues**

3.1 Where a Member has sought advice from the Monitoring Officer at North Somerset Council relating to whether to declare an interest and the Officer has advised that an interest does exist under these rules the Member will be expected to act on that advice.

3.2 If a Member fails to act on such advice then the Clerk to the Parish Council shall inform the Monitoring Officer, who shall consider whether a prima facie case exists for further investigation under the procedures set out in this part of the Constitution.

3.3 Where such advice is sought from the Monitoring Officer and the Member is advised that an interest exists but the Member does not follow that advice, then the Monitoring Officer shall consider whether a prima facie case exists for further investigation under the procedures set out in this part of the Constitution.

3.4 Where a Member does not take advice from any legal officer of the Council but seeks independent legal advice relating to whether to declare an interest, the view of the Monitoring Officer on the interpretation of the law, the Code of Conduct and these Rules shall prevail, if a complaint against the Member is made to the Monitoring Officer.

## **4.0 Complaints on Conduct of Members**

4.1 Where a complaint has been made against a Member then it shall automatically and without delay, be forwarded to the Monitoring Officer at North Somerset Council for investigation and administration in accordance with their adopted policy (copy available upon request).

4.2 Where a complaint has been made against a Member then the Member shall:-

- a) cooperate with the Monitoring Officer in consideration of the complaint at the initial stage;
- b) cooperate with the Monitoring Officer during preparation of the report to a Standards Panel of the General Purposes Committee;

c) attend the meeting of the Standards Panel of the General Purposes Committee at which the report of the Monitoring Officer is to be considered.

4.3 At the Committee meeting the Member, against whom a complaint has been made which is the subject of a report to the Committee will be expected to: -

- a) answer questions put by the Panel
- b) generally, cooperate in resolving the complaint

4.4 (i) Any Member who has made a complaint against another Member shall:-

- a) cooperate fully with the Monitoring Officer to bring forward the complaint expeditiously;
- b) not give or make any statement concerning the existence of the complaint, the subject matter of the complaint, or details of the complaint either to the press or other media, or to the public or their own political group or party except as set out below.

## **APPENDIX 1**

# **PORTBURY PARISH COUNCIL**

## **Code of Conduct for Members**

### **INTRODUCTION**

This Code sets out the standards of behaviour required of Councillors whenever they are acting, claim or give the impression that they are acting as a Member or Co-opted Member of Portbury Parish Council.

The Code has been adopted by the Parish Council and requires compliance with the general principles of public life set out in the preamble.

In any case where a Parish Council Member has an interest in a matter which is not a disclosable pecuniary or registerable interest under the Localism Act 2011 or regulations but participating or voting (or further participating or voting) on the matter would conflict with the general principles of public life they must declare that interest and take no further action with regard to that matter as if it were a disclosable pecuniary interest.

### **PART 1**

#### **General Provisions**

1. You must not treat others with disrespect.
2. You must not do anything which may cause the Parish Council to breach any equality enactment.
3. You must not bully or intimidate any person, or attempt to bully or intimidate them.
4. You must not do anything which compromises the impartiality of anyone who works for or on behalf of the Parish Council or do anything that is likely to compromise their impartiality.
5. Where the views and wishes of Residents have been expressed formally, either by questionnaire or through selection of Councillors who have publicised their “manifesto” , Councillors should take note of these wishes when dealing with proposals at Council meetings. This means that on occasion Councillors will be expected to support policies and/or initiatives which they may disagree with.
6. You must not disclose information which is given to you in confidence or which you believe is of a confidential nature, or ought reasonably to be aware is of a confidential nature, unless:
  - a) You have the permission of a person authorised to give it; or
  - b) You are required by law to disclose the information; or
  - c) You disclose it 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
  - d) The disclosure is reasonable; and is in the public interest; and is made in good faith; and is only made after having complied with any reasonable requirements of the Council to delay disclosure or to maintain confidentiality.

Before disclosing any information under this paragraph, you must consult the Parish Clerk or Administrator for advice.

7. You must not prevent another person gaining access to information which that person is entitled to by law.
8. You must not conduct yourself in a manner which could reasonably be regarded as bringing the Parish Council into disrepute, or your position as a Parish Councillor into disrepute.
9. You must not use your position as Parish Councillor improperly to obtain any advantage or disadvantage for yourself or any other person, or attempt to do so.
10. You must not take part in the scrutiny of any decision you have been involved in making – except that you may provide evidence or opinion to those undertaking any scrutiny process.
11. You must not accept any gift or hospitality which could reasonably be perceived as creating an obligation upon the Council, or upon yourself as a Councillor, if you do accept any gift or hospitality which might be attributable to your membership of the Council (other than the refreshments which might usually be expected at Council meeting or civic function) you must disclose this, or any offer of such gift or hospitality, to the Monitoring Officer at North Somerset Council.
12. You must act in accordance with the Council's guidance or requirements when using the resources of the Council (such as officer time, IT and copying equipment, or physical materials), or when authorising others to use them, and must ensure that those resources are not used improperly.
13. You must have regard to relevant advice given by the Council's Responsible Financial Officer or Proper Officer (Clerk) when making decisions and must give reasons for those decisions, in accordance with any requirements imposed by statute or the Council.
14. You must comply with the following section of this Code, which relates to registering interests and declaring in meetings any disclosable pecuniary interests you may have. You are also required to withdraw to the public section of the chamber during any meeting at which a matter in which they have a disclosable pecuniary interest is being discussed.

## **PART 2**

### **Disclosable Pecuniary Interests**

1. A Member or Co-opted Member must, before the end of 28 days beginning with the day on which the person becomes a Member or Co-opted Member of the authority, notify North Somerset Council's Monitoring Officer of any disclosable pecuniary interests which the person has at the time when the notification is given.
2. A pecuniary interest is a disclosable pecuniary interest if it is of a description specified in regulations by the Secretary of State and it is either:
  - (a) An interest of the Members; or
  - (b) It is an interest of –
    - (i) the Member's spouse or civil partner;
    - (ii) a person with whom the member is living as husband or wife; or
    - (iii) a person with whom the Member is living as if they were civil partners.
3. Disclosable Pecuniary Interests have been defined by the Secretary of State in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 1464) as follows
  - (1) Employment, office, trade, profession or vocation  
Any employment, office, trade, profession or vocation carried on for profit or gain.
  - (2) 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 the Member in carrying out duties as a Member, or towards the election expenses of the Member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).
  - (3) 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.
  - (4) Land  
Any beneficial interest in land which is within the area of the relevant authority.
  - (5) Licences  
Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

(6) Corporate tenancies

Any tenancy where (to the Member'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.

(7) 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 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.

4. Effect of Interests on Participation

1. When you have a disclosable pecuniary interest in any business of the Parish Council and you attend a meeting of the Council at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that meeting or when the interest becomes apparent.

2. Where you have a disclosable pecuniary interest and have not obtained a dispensation you must withdraw to the public section of the chamber during discussion of the relevant business.

3. Where you have an interest where your participation or voting on a matter might be seen as conflicting with the general principles set out in the preamble to this Code of Conduct you must declare it and cease to participate or vote and withdraw to the public section of the chamber as if it were a disclosable pecuniary interest.

4. Where you have an 'other interest' which is registered in accordance with the Code of Conduct you should also disclose that interest at the meeting of the Parish Council at which the business is considered, however you are able to continue to participate in the consideration of that item of business.

5. Other Interests

1. For the purposes of this Code of Conduct 'other interests' which must be included in the Members' Register of Interests include your membership of or position of general control or management in any:-

(a) body to which you have been appointed or nominated by the Parish Council as its representative.

(b) public authority or body exercising functions of a public nature;

(c) body directed to charitable purposes;

(d) body whose principal purposes include the influence of public opinion or policy; (membership of a political party should be declared under this heading).

(e) trade union or professional association.



(f) the name and address of any person or body from whom you have received a gift or hospitality with an estimated value of at least £25 in the course of your work as a Councillor – private gifts or hospitality do not need to be recorded.

6. Sensitive Interests

1. Where a Member or Co-opted Member has an interest (whether or not a disclosable pecuniary interest) and the nature of that interest is that the Member or Co-opted Member and the Borough Council's Monitoring Officer, consider that disclosure of the details of the interest could lead to the Member or Co-opted person or a person connected with the Member or Co-opted Member being subject to violence or intimidation any published version of the register must not include the details of the interest. The register may state that the Member or Co-opted Member has an interest but the details are withheld under Section 32 (2) of the Localism Act.

2. In the event that a matter relating to a sensitive interest as set out in sub-paragraph (1) above is being considered at a meeting the Member or Co-opted Member is required to disclose the fact that they have a disclosable pecuniary interest (when it is such an interest) but not the nature of it.

3. You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify the Borough Council's Monitoring Officer asking that the information be included in your authority's register of members' interests.

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