



# PIRBRIGHT PARISH COUNCIL

## CODE OF CONDUCT FOR COUNCILLORS

Article 2 of the Localism Act 2011, s.27(2), effective from 1 July 2012

### PART 1

#### 1. General Provisions: Introduction and Interpretation

- (1) This Code applies to you only when acting in your capacity either as a councillor or co-opted (voting) member of the Parish Council or its committees and sub-committees.
- (2) It is your responsibility to comply with the provisions of this Code which will assist the Parish Council in meeting its statutory obligation to promote and maintain high standards of conduct by its councillors and co-opted members in accordance with the following principles:
  - **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 material benefits for themselves, their family or their friends.
  - **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.
  - **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.
  - **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.
  - **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.
  - **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.
  - **Leadership.** Holders of public office should promote and support these principles by leadership and example.
- (3) In this Code a pecuniary interest is a “**disclosable pecuniary interest**” if it is of a description specified in regulations made by the Secretary of State and either
  - (a) it is an interest that you have personally, 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 partners,and you are aware that that other person has the interest.

## The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

<i>Subject</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	<p>Any payment or provision of any other financial benefit (other than from the authority of which the member is a member) made or provided within the relevant period in carrying out duties as a member, or towards the election expenses of the member.</p> <p>“Relevant period” means the period of 12 months ending with the day on which the member of the authority gives a notification to the Monitoring Officer for the purposes of section 30 (1) of the 2011 Act.</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 (i) the member, (ii) the member’s spouse or civil partner, (iii) a person with whom the member is living as husband and wife, or (iv) a person with whom the members is living as if they were civil partners (or a body in which any of these persons has a beneficial interest) and the member’s authority—</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> <p>“Body in which any of these persons has a beneficial interest” means a firm in which they are a partner or a body corporate of which they are a director, or in the securities of which they have a beneficial interest.</p>
Land	Any beneficial interest in land which is within the area of the member’s authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the member’s authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the member of an authority’s knowledge) -</p> <p>(a) the landlord is the member’s authority; and</p> <p>(b) the tenant is a body in which the member and the member’s partner as referred to in respect of s.30 (3) of the 2011 Act and the contract section above has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where -</p> <p>(a) that body (to the member’s knowledge) has a place of business or land in the area of the member’s authority; and</p> <p>(b) either</p> <p>(i) the 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 more than one class, the total nominal value of the share of any one class in which the member or the member’s partner as referred to in s.30 (3) of the 2011 Act has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.</p> <p>“Securities” are defined in the Schedule to the 2012 Regulations as shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the mean of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.</p>

“Meeting” means any meeting of:

- (a) the Parish Council;
  - (b) any of the Parish Council's committees, sub-committees, joint or area committees, including any site visit authorised by the Parish Council, or any of the aforementioned committees.
- (4) This Code does not cover matters in respect of which the Localism Act 2011 specifically provides that criminal sanctions will apply.
- (5) A failure of a councillor or co-opted member to comply with this Code of Conduct is not to be dealt with otherwise than in accordance with arrangements approved by the Parish Council under which allegations of such failure can be investigated and decisions on such allegations can be made. In particular, a decision is not invalidated just because something that occurred in the process of making the decision involved a failure by a councillor or co-opted member to comply with the Code.

## 2. General Obligations

- (1) You must treat others with respect.
- (2) You must not:-
- (a) do anything which may cause the Parish Council to breach any equality enactments;
  - (b) bully any person;
  - (c) intimidate or attempt to intimidate any person who is or is likely to be:-
    - (i) a complainant,
    - (ii) a witness, or
    - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a councillor or co-opted member (including yourself) has failed to comply with this code of conduct; or
  - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Parish Council.
  - (e) disclose information given to you in confidence by anyone, 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 by law to do so;
    - (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 reasonable and in the public interest and made in good faith and in compliance with the reasonable requirements of the Parish Council or
  - (f) prevent another person from gaining access to information to which that person is entitled by law.
  - (g) conduct yourself in a manner which could reasonably be regarded as bringing your office or the Parish Council into disrepute, or in a manner which is contrary to the Parish Council's duty to promote and maintain high standards of conduct by its councillors and co-opted members.

(3) You:-

- (a) must not use or attempt to use your position as a councillor or co-opted member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the Parish Council's resources:-
  - (i) act in accordance with the Parish Council's reasonable requirements;
  - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

(4) When reaching decisions on any matter you must have regard to any relevant advice provided by the Parish Council's Responsible Finance Officer or the GBC Monitoring Officer where those officers are acting pursuant to their statutory duties.

(5) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Parish Council.

## PART 2

### INTERESTS

#### 3. Registration of Disclosable Pecuniary Interests

(1) As a councillor or co-opted member of Pirbright Parish Council you must avoid participating in any decision where you could reasonably be seen as having an interest which compromised your honesty or objectivity. Equally you should avoid any action which might reasonably lead others to conclude that you were not acting selflessly or with integrity. In order to assist with this and to promote openness and accountability, the GBC Monitoring Officer and the Parish Council RFO must, by law, establish and maintain a register of interests, open for inspection by the public at the Borough and Parish Council's offices and publicly accessible on their websites.

(2) You must, before the end of 28 days beginning with the day on which you became a councillor or co-opted member of the Parish Council, notify the GBC Monitoring Officer and Parish Council RFO of any disclosable pecuniary interests which you have at the time when the notification is given. These interests include those of your 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 they were a civil partner, so far as you are aware of the interests of that person. These interests will then be entered on the register of interests.

(3) Where you become a councillor or co-opted member of the Parish Council as a result of re-election or re-appointment, paragraph 3:2 applies only as regards disclosable pecuniary interests not entered in the register when the notification is given

#### 4. Disclosure of Disclosable Pecuniary Interests and participation in decision making

(1) Subject to paragraphs 6 (*dispensations*), if you are present at any meeting and you are aware that you have, or any other person referred to in paragraph 1:3 above has, a disclosable pecuniary interest in any matter that will be, or is being, considered at that meeting, you must, irrespective of whether that interest has been registered:

- (a) disclose the nature of the interest to the meeting (or, if it is a sensitive interest as described in paragraph 7 below, disclose merely the fact that it is a disclosable pecuniary interest);
- (b) not participate in any discussion or vote regarding that matter; and
- (c) withdraw immediately from the room or chamber where the meeting considering that matter is being held.

(2) If you have not previously notified the RFO and GBC Monitoring Officer of that disclosable pecuniary interest you must do so within 28 days of the date of the meeting at which it became apparent.

(3) Subject to paragraph 6 (*dispensations*), if you are aware that you have, or any other person referred to in paragraph 3 above has, a disclosable pecuniary interest in any matter on which either:

- (a) you are authorised to make decisions, or
- (b) you are consulted by an officer discharging powers delegated to them,

you must not, in relation to (a) above, take any decision on that matter or, in relation to (b) above, participate in any consultation with such officer in respect of that matter.

Where you have not previously notified the Monitoring Officer of that disclosable pecuniary interest you must do so within 28 days of the date on which it became apparent.

(4) You may participate in any business of the Parish Council where that business relates its functions in respect of:-

- (i) an allowance, payment or indemnity given to councillors or co-opted members
- (ii) any ceremonial honour given to councillors; and
- (iii) setting a precept under the Local Government Finance Act 1992.

## **5. Acceptance of Gifts and Hospitality**

As a councillor or co-opted member of the Parish Council you must avoid accepting any gift, hospitality or other favour which could give the impression of compromising your integrity, honesty or objectivity. In particular, you should

- (1) avoid any behaviour which might reasonably be seen as motivated by personal gain;
- (2) exercise caution in accepting any gifts or hospitality which are (or reasonably believe to be) offered to you because you are a councillor or co-opted member;
- (3) never accept significant gifts or hospitality (i.e. with a value of £25 or more) from suppliers or contractors seeking to acquire or develop business with the Parish Council; and
- (4) must, within 28 days of receipt or acceptance, notify the Parish Council RFO and the GBC Monitoring Officer of any gift you receive or hospitality you accept (of a value of £25 or more) for inclusion in the register of interests.

## **6. Dispensations**

- (1) A councillor or co-opted member with a disclosable pecuniary interest in a matter may submit a written request to the Parish Council RFO and GBC Monitoring Officer for the grant of a dispensation allowing that councillor or co-opted member to participate in any discussion and/or vote on that matter at a meeting.
- (2) The Parish Council RFO and the GBC Monitoring Officer may after consideration of all relevant circumstances, grant a dispensation to the councillor or co-opted member only if he considers that:
  - (1) without the dispensation the number of persons prohibited from participating in any particular business in relation to the matter would be so great a proportion of the body transacting the business as to impede the transaction of that business.
  - (2) granting the dispensation is in the interests of persons living in the parish
  - (3) it is otherwise appropriate to grant a dispensation

Any dispensation granted must specify the period for which it has effect, and the period specified may not exceed four years.

## **7. Sensitive Information**

- (1) Sub-paragraphs (2) and (3) apply where:
  - a) a councillor or co-opted member of the Parish Council has an interest (whether or not a disclosable pecuniary interest), and
  - (b) the nature of the interest is such that the councillor or co-opted member, and the Parish Council RFO and GBC Monitoring Officer, consider that disclosure of details of the interest could lead to the councillor or co-opted member, or a person connected with that councillor or co-opted member, being subject to violence or intimidation.
- (2) If the interest is entered in the register of interests, copies of the register that are made available for inspection, and any version of the register published on the Parish Council's website, must not include details of the interest (but may state that the councillor or co-opted member has an interest the details of which are withheld under this provision of the Code).
- (3) Where a disclosable pecuniary interest is not entered on the register of interests and would otherwise require disclosure at a meeting, the councillor or co-opted member shall be entitled to merely disclose at the meeting the fact that they have such an interest in the matter concerned.

## **8. Pre-determination or bias**

- (1) If you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life, you are not prohibited from participating in a decision in your political role as councillor, however you should not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in performance of your official duties.
- (2) When making a decision, you should always consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

## **9. Removal of entries in the register**

An entry in the register of interests will be removed once the person concerned:

- (a) no longer has the interest, or
- (b) is (otherwise than transitorily on re-election or re-appointment) neither a councillor nor a co-opted member of the Council.

## **10. Criminal offences**

Under s.34 of the 2011 Act, in force on 1 July 2012, a failure to register a disclosable pecuniary interest within 28 days of election or co-option (or re-election or re-appointment), or the deliberate or reckless provision of false or misleading information on registration, or participation in discussion or voting in a meeting on a matter in which the member or co-opted member has a disclosable pecuniary interest will be criminal offences, potentially carrying a Scale 5 fine of £5000 and/or disqualification for up to five years. Prosecution is at the instigation of the Director of Public Prosecutions.

## **11. Disclosure of Non-Pecuniary Personal Interests & participation in decision making**

It is no longer a legal requirement to make a declaration of non-pecuniary personal interest at meetings of the Parish Council, although it would be good practice to do so in order to maintain the good name of the Parish Council and the member or co-opted member within the community. Such a declaration of non-pecuniary personal interest does not affect participation in decision making.