

EDLESBOROUGH PARISH COUNCIL CODE OF CONDUCT

(Adopted by the Council on 20th September 2012
under Section 27 of the Localism Act 2011)

1. This code of conduct is adopted pursuant to the council's duty to promote and maintain high standards of conduct by members and co-opted members¹ of the council.
2. This code applies to you as a member or co-opted member of this council when you act in that role and it is your responsibility to comply with the provisions of this code.

Selflessness

3. You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself.

Objectivity

4. In carrying out public business you must make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

5. You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate to your office.

Openness

6. You must be as open as possible about your actions and those of your council, and must be prepared to give reasons for those actions.

Honesty and integrity

7. You must not place yourself in situations where your honesty and integrity may be questioned, must not behave improperly and must on all occasions avoid the appearance of such behaviour.

Leadership

8. You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example in a way that secures or preserves public confidence.

¹ A "co-opted member" for the purpose of this code is, as defined in the Localism Act section 27 (4) "a person who is not a member of the council but who a) is a member of any committee or sub-committee of the council, or b) is a member of, and represents the council on, any joint committee or joint sub-committee of the council; and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee". For the avoidance of doubt, members of EDAN groups do not fall under this definition.

General Obligations

9. You must treat others with respect and ensure that you are aware of and comply with all legal obligations that apply to you as a member or co-opted member of the council and act within the law;
10. You must not bully any person.
11. You must not do anything that compromises or is likely to compromise the impartiality of those who work for, or on behalf of the council.
12. You must not disclose information given to you in confidence by anyone, or information acquired by you of which you are aware, 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 legal advice provided that the third party agrees not to disclose the information to any other person, or
 - (iv) the disclosure is:
 - a) reasonable and in the public interest;
 - b) made in good faith and in compliance with the reasonable requirements of the council.
13. You must not improperly use knowledge gained solely as a result of your role as a member for your own personal advantage.
14. When making decisions on behalf of or as part of the council you must have regard to any professional advice provided to you by the council's officers.
15. When using or authorising the use by others of the resources of the council:
 - (i) you must act in accordance with the council's reasonable requirements;
 - (ii) you must make sure that you do not use resources improperly for political purposes and do not use them at all for party political purposes.

Registering interests

16. You must, within 28 days of this code being adopted or taking office as a member or co-opted member, notify the council's monitoring officer of any disclosable pecuniary interest as listed in Appendix A.
17. You must register any changes to interests or new interests listed in Appendix A within 28 days of becoming aware of them.

Declaration of interests

18 You must disclose the interest at any meeting of the council at which you are present, where you have a Disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'².

19 Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as listed in Part A of Appendix A. You may speak but not vote on any matter relating to an interest listed in part B of Appendix A

20 Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest in Appendix A), the member shall disclose the nature of the interest and not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

21. Notwithstanding paragraphs 19 and 20, the council may grant a member dispensation to participate in a discussion and vote on a matter if it is appropriate and in the interests of all parishioners.

² A "sensitive interest" is described in the Localism Act 2011 as a member or co-opted member of a council having an interest, and the nature of the interest being such that the member or co-opted member, and the council's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

APPENDIX A

EDLESBOROUGH PARISH COUNCIL

Register of Members Disclosable Pecuniary Interests

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

Pursuant to Sections 29 and 30 of the Localism Act 2011

Section 30 of the Act defines a 'Disclosable Pecuniary Interest' as a pecuniary interest of a description which is specified in regulations made by the Secretary of State and which is either an interest of the Member's or an interest of Member's spouse or civil partner, a person with whom the Member is living as husband and wife or a person with whom the Member is living as if they were civil partners, and the Member is aware that the other person has the interest.

Section 31 of the Localism Act 2011 requires disclosure of any Disclosable Pecuniary Interests not already entered on this register.

Section 31 also prohibits a member from participating in any discussion or vote on the matter in relation to which a member has a Disclosable Pecuniary Interest.

Section 32 covers sensitive interests – fact of interest rather than actual interest itself has to be disclosed.

Section 34 makes it an offence for failure to comply with a notification requirement - it also makes it an offence to knowingly provide information that is false or misleading or is reckless as to whether the information is true and not misleading.

A copy of this register is required, as provided for by Section 29 of the Act, to be available for inspection at the authority's offices at all reasonable hours and published on the authority's website – and on the relevant Parish's website if they have one.

For the purposes of the Regulations

"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;

"member" includes a co-opted member;

“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.

If you have no interests under any category please put “None” in the relevant box

Name: Councillor

Council:

Part A - Disclosable Pecuniary Interests

You are required to disclose your own interests under the headings listed below and any interests of your spouse/civil partner (or a person with whom you are living as such) of which you are aware

<p>1 Any employment, office, trade, profession or vocation carried on for profit or gain.</p>	
<p>2 Any payment or provision of any other financial benefit (other than from the council) made or provided within the previous 12 months in respect of any expenses incurred in carrying out your duties as a members or towards your election expenses</p>	
<p>3 Any contract (which has not been fully discharged) for the provisions of goods, services or the execution of works made between the Council and you or a firm in which you are a partner, a company of which you are a remunerated director or a company in whose securities you</p>	

<p>have a beneficial interest.</p>	
<p>4 Any land in the Council's area in which you have a beneficial interest.</p>	
<p>5 Any land in the Council's area for which you have a licence (alone or jointly with others) to occupy for a month or longer.</p>	
<p>6 Any tenancy where to your knowledge the landlord is the Council and the tenant is a body in which you are a partner, a company of which you are a remunerated director or a company in whose securities you have a beneficial interest.</p>	
<p>7 A body who to your knowledge has a place of business or land in the Council's area, and in whom you have a beneficial interest in a class of securities that exceeds the nominal value of £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 you have a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>	

PART B – Other Personal Interests

You are only required to disclose your own personal interests under the headings listed below

<p>8 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 the Council.</p>	
<p>9 Any body exercising functions of a public nature of which you are a member or in a position of general control or management.</p>	
<p>10 Any body directed to charitable purposes of which you are a member or in a position of general control or management.</p>	
<p>11 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 member or in a position of general control or management.</p>	
<p>12 Any gifts or hospitality worth more</p>	

than an estimates value of £50 which the member has received by virtue of his or her office	
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Signed: K J Cabbage
Chairman

Dated: 20th September 2012

Effective from 1st July 2012