

ADOPTED CODE OF CONDUCT

Source: Basingstoke & Deane Borough Council (June 2012)
MODEL CODE OF CONDUCT FOR PARISH AND TOWN COUNCILS
For review July 2021

This Code applies to you as a member of your Parish Council when you act in your role as a member. You are expected to familiarise yourself with the requirements of this Code and to adhere to those requirements.

PART 1 – GENERAL PROVISIONS

A. INTRODUCTION AND INTERPRETATION

1. (1) This Code applies to all members of Mapledurwell & Up Nately Parish Council ('the Council') including co-opted members.
- (2) You should read this Code together with the Nolan Principles of Public Life, and these principles should be used as a guide to interpretation of this code and to assist in determining whether a breach of this Code has occurred.
The Principles are as follows:
 - (a) **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.
 - (b) **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.
 - (c) **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.
 - (d) **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.
 - (e) **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.
 - (f) **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.
 - (g) **Leadership** Holders of public office should promote and support these principles by leadership and example.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code:
 - (a) 'meeting'; means any meeting of
 - (i) the Council;
 - (ii) any of the Council's committees, sub-committees, joint committees, joint sub-committees, or area committees;
 - (b) 'member' includes a co-opted member and an appointed member.

B. GENERAL OBLIGATIONS

2.
 - (1) You must treat others with respect.
 - (2) You must not:
 - (a) do anything which may cause the Council to breach any of the equality enactments (as defined in section 33 of the Equality Act 2010);
 - (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 member (including yourself) has failed to comply with his or her authority's 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 Council.
3. You must not
 - (a) 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:
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
4. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
5. You:
 - (a) must not 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; and
 - (b) must, when using or authorising the use by others of the resources of your authority:
 - (i) act in accordance with your authority'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 (c.10).
6.
 - (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by the Council's Officers and any external advisors
 - (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

PART 2 – INTERESTS

7. Disclosable Pecuniary Interests

- (1) You have a disclosable pecuniary interest if:
 - (a) such interest is one which is specified by regulations made from time to time by the Secretary of State (and the current specified interests are those set out in Appendix 1 hereto); and
 - (b) it is an interest of yours, or
 - (c) 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.

8. Disclosure of Pecuniary Interests

- (1) Subject to sub-paragraphs (2) to (3), where you have a disclosable pecuniary interest in any business of the Council and you attend a meeting of the Council at which the business is considered, **you must disclose at the beginning of that meeting the existence and nature of that interest.**
- (2) Where you have a pecuniary interest in any business of your Council and a function of your Council may be discharged by you acting alone in relation to that business, you must:
 - (a) ensure you notify the Monitoring Officer of the existence and nature of that interest
 - (b) if the interest has not already been recorded notify the Monitoring Officer of the interest within 28 days beginning with the date of the meeting.
- (3) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of a pecuniary interest.

9. Effect of pecuniary interests on participation:

- (1) **Subject to sub-paragraph (2)** where you have a pecuniary interest in any business of the Council:
 - (a) you must withdraw from the room or chamber where a meeting considering the business is being held:
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority;
 - (b) you must not seek improperly to influence a decision about that business.
- (2) **Where you have a pecuniary interest in any business of the Council, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.**
- (3) If a function of your authority may be discharged by a member acting alone and you have a disclosable pecuniary interest in any matter to be dealt with or being dealt with in the course of discharging that function you may not take any steps or any further steps in relation to the matter (except for the purpose of enable the matter to be dealt with otherwise than by yourself).
- (4) It is a criminal offence if you fail to register or disclose a pecuniary interest.

PART 3 – REGISTRATION OF MEMBERS' INTERESTS

REGISTRATION OF MEMBERS' INTERESTS

10. (1) Subject to paragraph 11, you must, within 28 days of:
 - (a) this Code being adopted by or applied to the Council; or
 - (b) your election or appointment to office (where that is later), register in the Council's register of members' interests (maintained under section 29(1) of the Localism Act 2011) details of:
 - (i) disclosable pecuniary interests where they fall within a category mentioned in paragraph 7(1) in so far as you are aware of the interest at that time and
 - (ii) such other pecuniary and non pecuniary interests as from time to time referred to on the Register of Members interest form.

(2) Subject to paragraph 11, you must, within 28 days of becoming aware of any new pecuniary interest or change to any pecuniary interest registered under paragraph (1), register details of that new pecuniary interest or change by providing written notification to the Council's monitoring officer.
11. Sensitive Interests
 - (1) Where you are concerned that disclosure of the detail of an interest, either a disclosable pecuniary interest or any other interest, which you would be required to disclose at a meeting or on the register of members' interests would lead to you or a person connected to the you being subject to violence or intimidation, you may request the Monitoring Officer to agree that the interest is a 'sensitive interest'.
 - (2) If the Monitoring Officer is in agreement, you will be required to disclose that you have a disclosable pecuniary interest, but not the detail in the matter concerned at meetings, and the Monitoring Officer can exclude the detail of the interest from the published version of the register of members' interests.

APPENDIX I

You or your partner (which means 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 you are civil partners) have a disclosable pecuniary interest for the purposes of section 30(3) of the Localism Act 2011('the Act') where you have:

1. Any employment, office, trade, profession or vocation carried on for profit or gain;
 2. Any payment or provision of any other financial benefit (other than from the Council) 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.
 - 2.1 This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52).
 3. Any contract which is made between you (or a body in which you have a beneficial interest) and the Council
 - 3.1 under which goods or services are to be provided or works are to be executed; and
 - 3.2 which has not been fully discharged.
 4. Any beneficial interest in land which is within the area of the Council.
 - 4.1 'Land' excludes an easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
 5. Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.
 6. Any tenancy where (to your knowledge)
 - 6.1 the landlord is the Council; and
 - 6.2 the tenant is a body in which you have a beneficial interest.

'Body in which you have a beneficial interest' means a firm in you are a partner or a body corporate of which you are a director, or in the securities of which you have a beneficial interest.

'Director' includes a member of the committee of management of an industrial and provident society;
 7. Any beneficial interest in securities of a body where
 - 7.1 that body (to your knowledge) has a place of business or land in the area of the Council; and
 - 7.2 either
 - 7.2.1 the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - 7.2.2 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.
 - 7.3 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(b) and other securities of any description, other than money deposited with a building society.
8. For the purposes of paragraph 2 of this Appendix, "relevant period" means the period of 12 months ending with the day on which you give a notification for the purposes of section 30(1) of the Act.