

ANNESLEY AND FELLEY PARISH COUNCIL MEMBERS' CODE OF CONDUCT

Introduction

This Code applies to you as a member of this authority when you act in your role as a member and it is your responsibility to comply with the provisions of this Code.

You are a representative of this authority and the public will view you as such therefore your actions impact on how the authority as a whole is viewed and your action can have both positive and negative impacts on the authority.

This Code is based upon the "Nolan Principles – the seven principles of public life" which are set out at Appendix A.

This Code does not cover matters in respect of which the Secretary of State may, under the Localism Act 2011, specifically provide that criminal sanctions will apply.

Interpretation

In this Code

"meeting" means any meeting of:

- a) the authority;
- b) the executive of the authority;
- c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members

'member' includes a co-opted member and an appointed member.

General Obligations

1. When acting in your role as a member of the authority
 - 1.1 **Do** treat others with respect.
 - 1.2 **Do not** conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by members.
 - 1.3 **Do not** bully any person.
 - 1.4 **Do not** intimidate or attempt to intimidate any person who is or is likely to be:-
 - (a) a complainant
 - (b) a witness
 - (c) 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 authority.
 - 1.5 **Do not** 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:
 - (a) you have the consent of a person authorised to give it;
 - (b) you are required by law to do so;
 - (c) 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
 - (d) the disclosure is:
 - (i) reasonable and in the public interest; and
 - (ii) made in good faith and in compliance with the reasonable requirements of the authority; and

(iii) you have consulted the Monitoring Officer prior to its release; or

- 1.6 **Do not** prevent another person from gaining access to information to which that person is entitled by law.
- .7 **Do not** conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
- 1.8 **Do not** improperly use knowledge gained solely as a result of your role as a member for the advancement of yourself, your friends, your family members, your employer or your business interests.
2. When using or authorising the use by others of the resources of the authority:
 - 2.1 **Do** act in accordance with the authority's reasonable requirements including the requirements of the authority's ITC policy, a copy of which has been provided to you and which you are deemed to have read ;
 - 2.2 **Do** make sure that such resources are not used improperly for political purposes (including party political purposes); and
 - 2.3 **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

Pre determination or bias

- 2.4 Where 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 should not be prohibited from participating in a decision in your political role as member, however **do not** place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- 2.5 When making a decision, **do** consider the matter with an open mind and on the contents before the meeting at which the decision is to be taken. When reaching decisions on any matter you must have regard to any relevant advice provided to you by;
 - (a) your authority's chief finance officer; or
 - (b) the monitoring officer, where that officer is acting pursuant to his or her statutory duties.

Interests

3. As a public figure, your public role, may, at times, overlap with your personal and/or professional life and interests, however, when performing your public role as a member, **do** act solely in terms of the public interest and **do not** act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests.

Disclosable Pecuniary Interests

4. The Regulations detailing the precise nature and circumstances where a specified pecuniary interest must be disclosed are set out in Appendix C of this document.
5. **Do** make a 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 (unless the interest is a sensitive interest in which event you need not disclose the nature of the interest).

Non Disclosable Pecuniary/Other Interests

6. You have a "Non Disclosable Pecuniary Interest" or "Other Interest" in an item of business of the Council where:
 - 6.1 a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you, or a member of your family, or a person with whom you have a close association to a greater extent than it would affect the majority of the inhabitants of the ward or electoral area for which you have been elected or otherwise of the Council's administrative area; or
 - 6.2 it relates to or is likely to affect any of the interests listed in Appendix C in the Schedule to this Code, but in respect of a member of your family (other than your spouse, civil partner or person with whom you are living as spouse or civil partner) or a person with whom you have a close association and that interest is not a Disclosable Pecuniary Interest.
7. Members are required to declare and register any gifts and hospitality accepted in excess of an estimated value of £50.00 (Fifty Pounds). Members are required to declare gifts/hospitality over this amount but which were declined.
8. There are some decisions that your authority will need to make that could affect every member. A list of these is set out at Appendix B. **You may** take part in these decisions *unless* you fall into one of the exceptions set out in the list.

Registration of Interests

9. Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register all interests which fall within the category of Disclosable Pecuniary Interests.
10. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register any interests within the category of Disclosable Pecuniary Interests.
11. A member shall register any change to a Disclosable Pecuniary Interest or new interest within 28 days of becoming aware of it.
12. A member need only declare to the monitoring officer, any interest he/she believes to be a "sensitive interest". A sensitive interest is one which, if disclosed on the public register, could lead to the member or a person connected with the member being subject to violence or intimidation.

APPENDIX A

THE SEVEN PRINCIPLES OF PUBLIC LIFE

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.

APPENDIX B

Where the decision referred to in Clause 8 above relates to one of the functions of the authority set out below, and the condition which follows that function does not apply to you when making that decision, you may participate in the decision:

- (i) housing, where you are a tenant of your authority *unless* those functions relate particularly to your tenancy or lease;
- (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education or are a parent governor of a school, *unless* it relates particularly to the school which the child attends;
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members;
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

APPENDIX C

Regulation 2

SCHEDULE OF DISCLOSABLE PECUNIARY INTERESTS

Subject	Prescribed Description
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 relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</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 (c52).</p>
Contracts	<p>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:</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>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate Tenancies	<p>Any tenancy where (to M's knowledge):</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either:</p> <p>(i) the total 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 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.</p>

Adopted by Annesley and Felley Parish Council on 2nd July 2012