

HORTON PARISH COUNCIL CODE OF CONDUCT FOR MEMBERS

Updated September 2017

Horton Parish Council has adopted this Code of Conduct to promote and maintain high standards of conduct and underpin public confidence in the authority and its members and co-opted members. The Code has been adopted under section 27 of the Localism Act 2011 and is based on the following core principles of public life - **selflessness, integrity, objectivity, accountability, openness, honesty and leadership**. It sets out general obligations about the standards of conduct expected of members and co-opted members of the authority, together with provisions about registering and declaring interests.

A: General obligations: Whenever you are acting as a member or co-opted member of this authority you must act in accordance with the following obligations:

Selflessness: You must act solely in the public interest and must never use or attempt to use your position improperly to confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, friends or close associates.

Integrity: You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties. You should exercise independent judgement. Although you may take account of the views of others, you should reach your own conclusions on the issues before you and act in accordance with those conclusions.

Objectivity: When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit. You should remain objective, listen to the interests of all parties appropriately and impartially and take all relevant information, including advice from the authority's officers, into consideration.

Accountability: You are accountable to the public for your decisions and you must co-operate fully with whatever scrutiny is appropriate to your office, including by local residents.

Openness:

- a) You must be open and transparent where possible about your decisions and actions and the decisions and actions of your authority. You should be prepared to give reasons for those decisions and actions. You must not prevent anyone getting information that they are entitled to by law.
- b) Where the law or the wider public interest requires it, you must not disclose confidential information or information to which public access is restricted. (see footnote)

Honesty:

- a) You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests as set out in Section B below.
- b) You must only use or authorise the use of the authority's resources in accordance with the authority's requirements. You must, when using or authorising the use by others of such resources, ensure that they are used for proper purposes only. Resources must not be used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986

Respect for others:

- a) You must treat others with courtesy. You should engage with colleagues and staff in a manner that underpins mutual respect and courtesy, essential to good local government.
- b) You must not do anything which may cause your authority to breach any equality laws.
- c) You must not compromise or attempt to compromise the impartiality of anyone who works for, or on behalf of, the authority.
- d) You must not bully any person, including other councillors, officers of the authority or members of the public. (see footnote)

Leadership: You must promote and support high standards of conduct when serving as member or co-opted member of the authority, by leadership and example, championing the interests of the community. You should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in you.

Gifts and Hospitality : You must within 28 days of receipt, notify the Clerk to the Council in writing of any gift, benefit or hospitality with a value in excess of £25.00 which you have accepted as a member from any person or body other than the authority. The Clerk to the Council will place your notification on a public register of gifts and hospitality.

Notes

"Confidential Information" should not be disclosed except in limited circumstances, for example :

- *You have the consent of the person authorised to give it*
- *You are required by law to do so*
- *The disclosure is made on a confidential basis to a third party in order to obtain professional advice*
- *You have satisfied yourself that the disclosure is in the public interest*

"Bullying" may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour and includes "cyber bullying". It may happen once or be part of a pattern of behaviour. It can be contrasted with the legitimate challenges a member may make in challenging policy or scrutinising performance. You may challenge others as to why they hold their views but must take care to raise issues in the appropriate forum. Ideas and policies may be robustly criticised but individuals should not be subject to unreasonable or excessive personal attack.

B: Registering and declaring pecuniary and non-pecuniary interests - (Notes C)

You must, within 28 days of taking office as a member or co-opted member, notify the Clerk to the Council of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a member or co-opted member, notify the Clerk to the Council of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.

If an interest has not been entered onto the authority's register, then you must disclose the interest to any meeting of the authority 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'*.

Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the Clerk to the Council of the interest within 28 days beginning with the date of disclosure. 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 defined by regulations made by the Secretary of State.

Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your authority.

**A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority'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.*

Extract from the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

The following categories are 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.
Securities	Any beneficial interest in securities of a body where— (a) that body 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
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 in carrying out duties as a member, or towards the election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(1).
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.
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	Any tenancy where : a) the landlord is the relevant authority; and b) the tenant is a body in which the relevant person has a beneficial interest.

(1) 1992 c. 52

HORTON PARISH COUNCIL

SEPTEMBER 2017

To address a number of requirements and omissions relating the Localism Act 2011, the following having previously been adopted are hereby re-confirmed or restated.

- A) Monitoring Officer:** The authority appointed the Clerk to the Council as the Monitoring Officer to grant dispensations and ensure the required declarations are completed and updated. Any other matters being referred to the Royal Borough of Windsor and Maidenhead Standards Sub-committee and/or Monitoring Officer.
- B) Summons to Attend. - Informative to be included:** "Member/s are required to make a declaration of interests and state the nature of that interest at the appropriate time. If prejudicial 12 (2) of the Code of Conduct allows Member/s TWO minutes to address the meeting". Note. Member/s must then withdraw or take no part in discussions or decision making.
- C) Parish Precept and Financial Matters:** Due to a legal error within the 2011 Act the new code does NOT include the required dispensation that would legally allow Member/s to discuss or set a budget and precept, in December 2012 an emergency 'block' dispensation was granted for the financial year 2013/14. As the 2011 Act has not been amended, the following standing dispensation becomes part of the updated

Code of Conduct.

Grant of Dispensation (All Members) "At any meeting which any matter which has a bearing on the setting of the precept is being or due to be considered"

Reason for the dispensation. Failure to grant a dispensation would impede the transaction of the business to be considered because of the number of members having the same disclosable pecuniary interest"

- D) **Other dispensations granted:** The Clerk to the Council will ensure requests are appended to the file copy.
- E) **Standing Orders (NALC):** Updated September 2013. The authority works within the general guidelines and principles as contained within Standing Orders prepared by the National Association of Local Council which is issued as a draft model covering differing authority sizes or situations.
- F) **Terms of Reference for Standing Committees, Working Group/s or external representation:** As directed by the Authority as a whole (written or oral)
- G) **Policies:** Will be developed and updated as appropriate and submitted for approved by the authority as a whole

HORTON PARISH COUNCIL

WRITTEN UNDERSTANDING IN ACCORDANCE WITH THE LOCAL GOVERNMENT ACT 2002 AND THE LOCALISM ACT 2011.

I.....(Full name)

having become a member of HORTON PARISH COUNCIL declare that:

I will duly and faithfully fulfil the requirements of this role according to the best of my judgement and ability.

Having received a copy of the Code of Conduct, I undertake to observe the Code as to the conduct which is expected of members of **Horton Parish Council**.

Signed _____ Date _____

This undertaking was signed before me:

Signed _____ Date _____

Proper Officer to the Council (Clerk)
Under section 83(4) LGA 1972

NB New elected or co-opted members only