

# Hughenden Parish Council

## Code of Conduct for Members

Pursuant to section 27 of the Localism Act 2011, Hughenden Parish Council has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council.

In carrying out their duties in exercising the functions of the Council, members will be expected to observe the 7 principles of public life known as the “Nolan Principles” as detailed below. These will be taken into consideration when any allegation of a breach of the provisions of the Code is received.

### **Selflessness**

Holders of public office should act solely in terms of the public interest.

### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.

### **Honesty**

Holders of public office should be truthful.

### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## **1 Application**

This Code of Conduct applies to you whenever you are acting in your capacity as a member of Hughenden Parish Council, including –

- 1.1 at formal meetings of the Council, its Committees and Sub-Committees
- 1.2 when acting as a representative of the authority
- 1.3 in taking any decision as a Councillor
- 1.4 in discharging your functions as a Councillor
- 1.5 at briefing meetings with officers and
- 1.6 at site visits
- 1.7 when corresponding with the authority other than in a private capacity

## **2 General Conduct**

You must –

- 2.1 provide leadership to the authority and communities within its area, by personal example and
- 2.2 behave in such a way that a reasonable person would regard as respectful and courteous
- 2.3 not act in a way which a reasonable person would regard as bullying, harassment or intimidation
- 2.4 value the contribution of colleagues and staff, engaging with them in an appropriate manner and one that underpins mutual respect
- 2.5 have due regard to the principle that there should be equality of opportunity for all people regardless of their gender, race, disability, sexual orientation, age or religion
- 2.6 not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, the Council
- 2.7 recognise that officers are employed by and serve the whole authority
- 2.8 respect the confidentiality of information which you receive as a member –
  - 2.8.1 not disclosing confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so; and
  - 2.8.2 not obstructing third parties' legal rights of access to information
- 2.9 not misconduct yourself in a manner which is likely to bring the authority into disrepute
- 2.10 use your position as a member in the public interest and not for personal advantage
- 2.11 accord with the authority's reasonable rules on the use of public resources for private and political purposes
- 2.12 exercise your own independent judgement, taking decisions for good and substantial reasons –
  - 2.12.1 attaching appropriate weight to all relevant considerations including, where appropriate, public opinion
  - 2.12.2 paying due regard to the advice of officers and
  - 2.12.3 stating the reasons for your decisions where those reasons are not otherwise apparent
- 2.13 account for your actions
- 2.14 ensure that the authority acts within the law

## **3 Disclosable Pecuniary Interests**

You must -

- 3.1 comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest
- 3.2 ensure that your register of interests is kept up to date and notify the Parish Clerk and Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests
- 3.3 make 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

- 3.4 “Meeting” means any meeting organised by or on behalf of the authority, including –
- 3.4.1 any meeting of the Council, or a Committee or Sub-Committee of Council
  - 3.4.2 in taking a decision as a Councillor or as a Member
  - 3.4.3 at any briefing by officers; and
  - 3.4.4 at any site visit to do with business of the authority

#### 4 Other Interests

- 4.1 In addition to the requirements of Paragraph 3, if you attend a meeting at which any item of business is to be considered and you are aware that you have a “non-disclosable pecuniary interest or non-pecuniary interest” in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent
- 4.2 You have a “non-disclosable pecuniary interest or non-pecuniary interest” in an item of business of your authority where –
- 4.2.1 a decision in relation to that business might reasonably be regarded as affecting the well-being or financial position 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 Council Tax payers, ratepayers or inhabitants of the parish/town area for which you have been elected or otherwise of the authority’s administrative area, or
  - 4.2.2 it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code, but in respect of a member of your family (other than a “relevant person”) or a person with whom you have a close association
- and that interest is not a disclosable pecuniary interest.

#### 5 Gifts and Hospitality

You must, within 28 days of receipt, notify the Parish Clerk in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a member from any person or body other than the authority.

The Code of Conduct will be reviewed annually, and all Councillors will be required to commit to it at the start of each year.

#### Related Policies and Procedures

These include, but are not limited to:

Internal Dispute Resolution Policy

#### Review and Updating

Date Created	Version	Due for Review
May 2018	01	April 2019

# Appendix

## Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
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 by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).
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 (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) 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.

For this purpose –

“the Act” means the Localism Act 2011;

“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;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“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.