

# ASHFORD PARISH COUNCIL



## DRAFT REVISED CODE OF CONDUCT 2019

### [Customised from NDC Code Revised May 2015]

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#### SUMMARY

This document states the rules that parish councillors should follow when acting in an official capacity. The over-riding principles are that councillors should:

Take decisions solely in terms of the public interest, not for financial or other material benefits for themselves, their family, or their friends

Not put themselves under any obligation to anyone or any organisations that might influence them in the performance of their official duties

Be accountable to the public and as open as possible about their decisions and actions as councillors

Treat people equally and with courtesy and respect

Declare any interests relating to their public duties and not allow such interests to affect their decisions and actions

Not only avoid wrongdoing but also avoid causing suspicion by the appearance of improper conduct.

More specifically, parish councillors should be aware of the following three types of interest that can interfere with their official duties – and how they should avoid any conflict with the general public interest – namely:

**Pecuniary (financial) interests** arising from payments councillors might receive from people or organisations that might influence (or be thought to influence) their decisions. (For example, a councillor might be employed by or otherwise paid by an organisation potentially affected by a parish council decision.) When such issues are considered, councillors affected should publicly disclose their interest and leave the room without taking part in the discussion or any vote on the matter.

**Prejudicial interests** arising from a wide range of circumstances that might influence (or be thought to influence) councillors' decisions. (For example, a councillor's neighbour might be making a planning application that the councillor might be inclined to oppose or support.) When such issues are considered, councillors affected should publicly disclose their interest and leave the room without taking part in the discussion or any vote on the matter.

**Personal interests** arising from membership of an organisation that seeks to influence public policy and which might influence (or be thought to influence) councillors' decisions. (For example, a councillor might belong to a conservation body.) In these cases, the interest should be publicly declared, but councillors affected may take part in any discussion and vote on the matter.

***This summary is not a substitute for the full Code that follows.***

## INTRODUCTION

This document states Nolan's Seven Principles of Public Life and sets out the Code of Conduct that governs how parish councillors ought to conduct themselves when exercising their official roles. The latter should be read and interpreted in the context of the former.

## SEVEN PRINCIPLES OF PUBLIC LIFE

### **Selflessness**

Holders of public office should take decisions solely in terms of the public interest. They should not do so 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 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.

## CODE OF CONDUCT

### **PART 1: GENERAL PROVISIONS**

#### **Public Duty and Private Interests: An introduction**

1. You should have regard to the Principles of Public Life, namely: Selflessness; Honesty/Integrity; Objectivity; Accountability; Openness; Personal Judgment; Respect for Others; Duty to Uphold the Law; and Stewardship and Leadership. When acting as a parish councillor:
  - (a) you must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, a member of your family, close associate or relevant person
  - (b) 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

- (c) 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
  - (d) you are accountable for your decisions to the public and you must cooperate fully with whatever scrutiny is appropriate to your office
  - (e) you must be as open as possible about your decisions and actions and the decisions and actions of the parish council and should be prepared to give reasons for those decisions and actions in accordance with any statutory requirements and any reasonable additional requirements imposed by the District Council or contained in its Constitution
  - (f) you must declare any interests, 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 in a manner conforming with the procedures set out at Part 2 of this Code
  - (g) you must, when using or authorising the use by others of the resources of the parish council, ensure that such resources are not used improperly for political purposes (including party political purposes) and that any use is in accordance with the District Council's reasonable requirements
  - (h) you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 or any similar Communications Protocol or Code produced by the District Council
  - (i) 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.
2. Whilst you may be strongly influenced by the views of others, it is your responsibility alone to decide what position to take on any question.
  3. Do nothing as a parish councillor that you could not justify to the public.
  4. The reputation of the parish council depends on your conduct and what the public believes about your conduct.
  5. It is not enough to avoid actual impropriety, you should always avoid any occasion for suspicion or appearance of improper conduct.
  6. It is your responsibility to comply with the provisions of this Code.

### **Definitions**

7. In this Code:

“Close associate” means: someone with whom you are in close regular contact over a period of time who is more than an acquaintance. It may be a friend, a colleague, a business associate or someone you know through general social contacts; it is anyone that a reasonable member of the public would think you might be prepared to favour/disadvantage

“Member of your family” means: your partner (your spouse/civil partner/someone you live with in a similar capacity); a parent/parent-in-law, son/daughter, step-son/step-daughter, child of partner; a brother/sister, grandparent/grandchild, uncle/aunt, nephew/niece or the partners of any of these persons

“Disclosable pecuniary interest” is an interest held by a relevant person as set out in paragraph 15

“Meeting” means: any meeting of the parish council or sub-committee/sub-group relating to your role as a parish councillor

“Prejudicial Interest” means: an interest as set out in paragraph 16

“Personal Interest” means: any interest held by a relevant person as set out in paragraph 17

“Relevant period” means: a period of 12 months ending with the date on which you notified the Monitoring Officer of an interest

“Relevant person” means: you or your 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 were civil partners

“Sensitive information” means: any information whose availability for inspection by the public is likely to create a serious risk that any person may be subjected to violence or intimidation

“Well-being” means: a general sense of contentment and quality of life.

### **Scope**

8. You must comply with this Code whenever you are acting in your official capacity, when:
- (a) you are engaged on the business of the parish council or
  - (b) your conduct would give a reasonable person the impression that you are acting as a representative of the parish council.

### **General obligations**

9. You must:
- (c) treat others with courtesy and respect
  - (d) when reaching decisions on any matter, do so on the merits of the circumstances and in the public interest and have reasonable regard to any relevant advice provided to you.
10. You must not:
- (a) attempt to use your position as a parish councillor improperly to confer on or secure for yourself or any other person, an advantage or disadvantage
  - (b) do anything which may cause the parish council to breach a statutory duty or any of the equality enactments (as defined in section 149 of the Equality Act 2010)
  - (c) bully any person (bullying may be characterised as any single act or pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse or misuse of power or authority which attempts to undermine or coerce or has the effect of undermining or coercing an individual or group of individuals by gradually eroding their confidence or capability which may cause them to suffer stress or fear)
  - (d) intimidate or attempt to intimidate any person who is or is likely to be:
    - (i) a complainant
    - (ii) witness
    - (iii) involved in the administration of any investigation or proceedings in relation to an allegation that any member has failed to comply with the council’s Code of Conduct
  - (e) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the council

- (h) 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
  - (iv) the disclosure is in the public interest and made in good faith and in compliance with the reasonable requirements of the council
- (i) prevent another person from gaining access to information to which that person is entitled by law
- (j) conduct yourself in a manner or behave in a way that could give a reasonable person the impression that you have brought your office or the parish council into disrepute.

## **PART 2: INTERESTS**

### **Registration of Interests**

11. You must, within 28 days of:

- (a) this Code being adopted by or applied to the parish council; or
- (b) your taking office as a parish councillor

whichever is the later, and annually thereafter, provide written notification to the Clerk to the Parish Council of:

- (i) any Disclosable Pecuniary Interest
- (ii) any Personal Interests falling within paragraphs 17 (a) to (e)

which will be recorded in the District Council's Register of Interests and made available for public inspection including on the District Council's website at [www.northdevon.gov.uk](http://www.northdevon.gov.uk)

- 12. Within 28 days of becoming aware of any new interest or change to any interest already registered, you must register details of that new interest or change by providing written notification to the Clerk to the Parish Council.
- 13. Where the District Council's Monitoring Officer agrees that any information relating to your interests is Sensitive Information you need not include that information when registering that interest, or, as the case may be, any change to that interest.
- 14. You must, within 28 days of becoming aware of any change of circumstances which means that information excluded is no longer Sensitive Information, notify the Clerk to the Parish Council, asking that the information be included in the Council's Register of Interests.

### **Three Types of Interests**

15. Disclosable Pecuniary Interests are:

- (a) any employment, office, trade, profession or vocation carried on for profit or gain
- (b) any payment or provision of any other financial benefit (other than from North Devon District Council) made or provided within the relevant period in respect of any expenses incurred in carrying out duties

as a Member, or towards your election expenses, including any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992

- (c) any contract which is made between a Relevant Person (or a body in which a Relevant Person has a beneficial interest) and the parish or district councils:
  - (i) under which goods or services are to be provided or works are to be executed; and
  - (ii) which has not been fully discharged
- (d) any beneficial interest in land which is within the area of the District Council
- (e) any licence (alone or jointly with others) to occupy land in the area of the District Council for a month or longer
- (f) any tenancy where (to your knowledge):
  - (i) the landlord is North Devon District Council; and
  - (ii) the tenant is a body in which a Relevant Person has a beneficial interest
- (g) any beneficial interest in securities of a body where:
  - (i) that body (to your knowledge) has a place of business or land in the administrative area of the District Council and
  - (ii) either:
    - (1) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - (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.

16. Disclosable Prejudicial Interests are:

- (a) There will be a Prejudicial Interest in a matter where a reasonable member of the public with knowledge of the relevant facts would reasonably think that your interest was so significant that it is likely to prejudice your judgement of the public interest
- (b) For the avoidance of doubt, a Personal Interest may also amount to a Prejudicial Interest.

17. Personal Interests are:

- (a) membership of any body to which you have been appointed by the district or parish council
- (b) membership of any body exercising functions of a public nature, directed to charitable purposes or whose principal purposes include influence of public opinion or policy, including your membership of any other local authority, any political party or trade union
- (c) the name of any person or body from whom you have received a gift or hospitality with an estimated value of at least £25.00
- (d) membership of any body which, in your view, might create a conflict of interest in carrying out your duties as a parish councillor
- (e) any matter where a decision on that matter would affect the well being or financial position of any Relevant Person, Member of your Family, Close Associate or any body in which any of those persons

may hold a position of general control or management, more than it would affect the majority of people living within the ward or electoral division affected by the decision

## **Disclosing Interests**

### **18. Pecuniary and Prejudicial Interests**

- (a) If you attend a meeting and are aware that the business being conducted affects a Disclosable Pecuniary Interest or a Prejudicial Interest, or is such that you would have a Disclosable Pecuniary Interest or a Prejudicial Interest in that matter, you must:
  - (i) disclose to the meeting that you have an Interest in that matter and the nature of that Interest;
  - And, unless you have received a dispensation, you must
  - (ii) not participate, or participate further once the Interest is known, in any discussion of the matter
  - (iii) not participate in any vote or further vote taken on the matter at the meeting
  - (iv) leave the room whilst discussion of the matter is taking place.
- (b) If you have delegated powers to take a decision on behalf of the parish council, acting alone or in combination with others, and you are aware that you have a Disclosable Pecuniary Interest or a Prejudicial Interest in the matter, you must not take any steps or further steps in relation to the matter, except to enable the matter to be dealt with other than by yourself.

### **19. Personal Interests**

- (a) If you attend a meeting and are aware that the business being conducted at that meeting affects a Personal Interest but does not give rise to a Disclosable Pecuniary Interest or a Prejudicial Interest you must disclose to the meeting that you have a Personal Interest in that matter and the nature of that interest; and, having done so, you may take part in any discussion and vote at the meeting
- (b) If you have Personal Interest falling within paragraphs 17 (a) to (c) above, which also amounts to a Prejudicial Interest you may, with the consent of the chairman of the meeting, remain in the room during the discussion and/or participate in the discussion of the matter, but you may not participate in the vote taken on the matter at the meeting.

### **20. Dispensations**

Section 33 of the Localism Act 2011 makes provision for the granting of a dispensation allowing a member with a disclosable Pecuniary Interest in a matter to speak and/or vote on that matter. For the avoidance of doubt, this Code extends the provisions of section 33 to allow a member with a Prejudicial Interest also to seek the same dispensation.