

BRIMPSFIELD PARISH COUNCIL

CODE OF CONDUCT FOR MEMBERS

(Effective 1st July 2012)

PART 1

GENERAL PROVISIONS

Introduction and Interpretation

1. (1) This Code applies to **you** as a member of this authority, and has been adopted pursuant to the Council's duty to promote and maintain high standards of conduct. It is **your** responsibility to comply with the provisions of this Code.

(2) You must observe the following general principles of public life:-

Selflessness - you should serve only the public interest and should never improperly confer an advantage or disadvantage on any person, including yourself.

Honesty and Integrity - you should not place yourself in situations where your honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity - you should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability - you are accountable to the public for your actions and the manner in which you carry out your responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to your particular office.

Openness - you should be as open as possible about your actions and those of your authority, and should be prepared to give reasons for those actions.

Personal Judgement - you may take account of the views of others, including your political groups, but should reach your own conclusions on the issues before you and act in accordance with those conclusions.

Respect for Others - you should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. You should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law - you should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in you.

Stewardship - you should do whatever you are able to do to ensure that your authority uses its resources prudently and in accordance with the law.

Leadership - you should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

Scope

2. (1) You must comply with this Code whenever you:-
 - (a) conduct the business of the Council (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of the Council;and references to your official capacity are construed accordingly.
- (2) This Code does not have effect in relation to your conduct other than where it is in your official capacity, in accordance with paragraph 2(1) above.
- (3) Where you act as a representative of the Council:-
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's Code of Conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority's Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General Obligations

3. (1) You must treat others with respect.
- (2) You must not:-
 - (a) do anything which may cause your authority to breach any of the equality enactments;
 - (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 of 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, your authority.

4. You must not:-
 - (1) 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 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; or
 - (e) before making any disclosure under the provisions of clause (d) above, you must seek and consider the written advice of the Solicitor to the Council.
 - (2) prevent another person from gaining access to information to which that person is entitled by law.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.
6. You:-
 - (1) 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
 - (2) must, when using or authorising the use by others of the resources of the Council:-
 - (a) act in accordance with your authority's reasonable requirements;
 - (b) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (3) must have regard to any applicable Code of Recommended Practice on Local Authority Publicity made under the Local Government Act 1986.

7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by:-
 - (a) the Council's Chief Finance Officer; or
 - (b) the Council's Monitoring Officer;where that Officer is acting pursuant to his or her statutory duties.
- (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

REGISTERING AND DECLARING INTERESTS

Disclosable Pecuniary Interests

8. You must, within 28 days of (i) this Code being adopted by the Council or (ii) taking office as a Member or Co-opted Member, whichever is sooner, notify the Council's Monitoring Officer of any disclosable pecuniary interest as defined in regulations made by the Secretary of State, and as set out in **Annex A** to this Code, **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 as a husband or wife, or as if you were civil partners.**
9. You must, within 28 days of becoming aware of any new disclosable pecuniary interest or change to any previously-registered disclosable pecuniary interest, notify the Council's Monitoring Officer of that new disclosable pecuniary interest or change.
10. Where you have a disclosable pecuniary interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence of that interest at the commencement of that consideration, or when the interest becomes apparent (unless the matter is a 'sensitive interest').
11. Unless a 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 disclosable pecuniary interest. You must withdraw from the room or chamber when the meeting discusses and votes on the matter.
12. Following any disclosure at a meeting of a disclosable pecuniary interest not on the Council's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
13. **Failure to comply with the requirements which relate to disclosable pecuniary interests is a criminal offence.**

Other Interests

14. You must, within 28 days of (i) this Code being adopted by the Council or (ii) taking office as a Member or Co-opted Member, notify the Council's Monitoring Officer of the Other Interests set out in **Annex B** to this Code, **where the interest is yours.**
15. You must, within 28 days of becoming aware of any new interest within any of the specified categories or change to any previously-registered interest, notify the Council's Monitoring Officer of that new interest or change.
16. Where you have such an interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence of that interest at the commencement of that consideration, or when the interest becomes apparent (unless the matter is a 'sensitive interest').
17. Where you have declared an interest in accordance with paragraph 16 above, then you are able to participate in the debate on the matter and vote **unless:-**
 - (i) a decision in relation to that matter might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a member of your family or person with whom you have a close association or body described above to a greater extent than the majority of:-
 - (a) other council tax payers, ratepayers or inhabitants of the electoral ward affected by the decision; or
 - (b) other council tax payers, ratepayers or inhabitants of your authority's area in general;

or

 - (ii) it relates to the determination of any approval, consent, licence, permission or registration in relation to you or any person or body described above;

and a reasonable member of the public knowing the facts would reasonably regard it as so significant that it is likely to prejudice your judgement of the public interest.
18. If the circumstances specified within paragraph 17 above apply then, unless a dispensation has been granted or it is an excepted function, you may not participate in any discussion of, vote on, or discharge any function related to, any matter in which you have an interest. You must disclose to that meeting the existence of that interest at the commencement of that consideration, or when the interest becomes apparent (unless the matter is a 'sensitive interest'), and then withdraw from the room or chamber when the meeting discusses and votes on the matter.

19. The rules set out in Paragraph 18 above do not have the effect of precluding you from attending a meeting 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. However, after making your submission, you must withdraw immediately from the meeting.
20. Following any disclosure at a meeting of such an interest not on the Council's Register, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
21. **Failure to comply with the requirements which relate to Other Interests is a breach of the Code.**

Sensitive Information/Interests

22. Where you consider that the information relating to any of your interests is sensitive information, and the Council's Monitoring Officer agrees, then you need not include that information when registering that interest, or, as the case may be, a change to that interest.
23. You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 22 is no longer sensitive information, notify the Council's Monitoring Officer asking that the information be included in the Council's Register of Members' Interests.

Definitions

The following are definitions which apply for the purposes of this Code of Conduct.

1. "The Act" is the Localism Act 2011.
2. "The Authority" or "The Council" is Cotswold District Council.
3. "Meeting" is a meeting of the Authority, or any Committee, Sub-Committee, Joint Committee or Joint Sub-Committee of the Authority.
4. "Member" is an elected Member or a Co-opted Member of the Authority.
5. "Co-opted Member" is a person who is not a Member of the Council but who is either a Member of any Committee or Sub-Committee of the Council, or a Member of, and represents the Council on any Joint Committee or Joint Sub-Committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that Committee or Sub-Committee.
6. "Monitoring Officer" is the Monitoring Officer to Cotswold District Council.
7. "Pending notification" is an interest which has been notified to the Monitoring Officer but which has not been entered in the Authority's Register in consequence of that notification.

8. “Member of your family” means:
- Partner (spouse/civil partner/someone you live with as if a spouse or civil partner);
 - A parent/parent-in-law, son/daughter, step-son/step-daughter, child of partner; or the partners of any of these persons;
 - A brother/sister, grandparent/grandchild, uncle/aunt, nephew/niece; or the partners of any of these persons.
9. “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 someone a reasonable member of the public would think you might be prepared to favour/disadvantage (“close association” shall be construed accordingly).
10. “Well-being” means general sense of contentment and quality of life.
11. An “excepted function” is a function of the Authority in respect of:
- (i) an allowance, payment or indemnity given to Members;
 - (ii) any ceremonial honour given to Members; and
 - (iii) setting Council tax or a precept under the Local Government Finance Act 1992.
12. “Sensitive information” means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you or is connected with you may be subjected to violence or intimidation.

(END)

Disclosable Pecuniary Interests

The interests set out below are “Disclosable Pecuniary Interests” by virtue of The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (made under the Localism Act 2011) which must be notified to the Monitoring Officer in accordance with this Code of Conduct.

Notification is required of any interest which is an interest of **the Member and/or of any of the following**:

- **the Member’s spouse or civil partner;**
- **a person with whom the Member is living as husband and wife; or**
- **a person with whom the Member is living as if they were civil partners;**

and the Member is aware that that other person has the interest.

<i>Subject</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.

Note:

In the Regulations:-

- (a) "the Act" means the Localism Act 2011;
- (b) "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;
- (c) "director" includes a member of the committee of management of an industrial and provident society;
- (d) "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;
- (e) "M" means a member of a relevant authority;
- (f) "member" includes a co-opted member;
- (g) "relevant authority" means the authority of which M is a member;
- (h) "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 section 31(7), as the case may be, of the Act;

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

(END)

Other Interests

The interests set out below are “Other Interests” which must be notified to the Monitoring Officer in accordance with this Code of Conduct.

Notification is required of any interest which is an interest of **the Member only**.

<i>Subject</i>	<i>Prescribed description</i>
Public/Charitable and Other External Bodies	<p>Any body of which you are a member or in which you have a position of general control or management, in the following categories:-</p> <ul style="list-style-type: none"> (i) a body to which you are appointed or nominated by the Council; (ii) a public authority or body exercising functions of a public nature; (iii) a body directed to charitable purposes; (iv) a body whose principal purposes (or one of them) includes the influence of public opinion or policy (including any political party or trade union); (v) a professional association; (vi) a freemasonry group or similar.
Employer	Any person or body who employs you.
Gifts and Hospitality	Any person, organisation, company or body from whom you have received, by virtue of your office, a gift or hospitality worth an estimated value of £25.

(END)