

MILTON MALSOR PARISH COUNCIL
CODE OF CONDUCT – 2015
(Adopted)

The Code of Conduct is intended to promote high standards of behaviour amongst the elected and co-opted members of the council.

The Code is underpinned by the following principles of public life which should be borne in mind when interpreting the meaning of the Code:-

- i. **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 benefits for themselves, their family or their friends.
- ii. **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.
- iii. **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.
- iv. **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.
- v. **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.
- vi. **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.
- vii. **Leadership** Holders of public office should promote and support these principles by leadership and example.

PART 1

GENERAL PROVISIONS

1. Introduction and interpretation

- 1.1. This Code applies to **you whenever you are acting in your capacity** as a member of Cold Higham Parish Council:
 - a) When acting as a representative of the Council;
 - b) At briefing meetings with officers;

c) When corresponding with the Council other than in a private capacity

- 1.2. The term “**the Council**” used in this Code refers to Cold Higham Parish Council.
- 1.3. “**Member**” means any person being an elected or co-opted member of the Council.
- 1.4. It is **your** responsibility to comply with the provisions of this Code.
- 1.5. In this code –
“**Meeting**” means any meeting of
 - a) The Council;
 - b) Any of the Council’s sub-committees;
 - c) Any of the Council’s working parties and panels.
- 1.6. In this Code “relevant authority” has the meaning given to it by section 27(6) of the Localism Act 2011.

2. General obligations

- 2.1. You must treat others with respect.
- 2.2. You must not:-
 - a) do anything which may cause the Council to breach UK equalities legislation;
 - 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 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.
 - d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.
 - e) conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

3. You must not:-

- 3.1. 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 Council;
- 3.2. prevent another person from gaining access to information to which that person is entitled by law.

4. You must not:-

- 4.1. 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

5. You must:-

- 5.1. when using or authorising the use by others of the resources of your council:-
 - a) act in accordance with your council's reasonable requirements;
 - b) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - c) have regard to any Local Authority Code of Publicity made under the Local Government Act 1986.

PART 2

INTERESTS

6. Disclosable Pecuniary Interests

- 6.1. Breaches of the rules relating to Disclosable Pecuniary Interests may lead to criminal sanctions being imposed.
- 6.2. You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State (attached at Appendix A) and either:
 - a) it is an interest of yours, or

- b) it is an interest of:
 - (i) your spouse or civil partner;
 - (ii) a person with whom you are living as husband and wife, or
 - (iii) a person with whom you are living as if you were civil partners

and you are aware that that other person has the interest.

7. Registration of Disclosable Pecuniary Interests

- 7.1. Subject to paragraph 9 below (sensitive interests), you must, within 28 days of:
 - a) this Code being adopted or applied by the Council; or
 - b) your election or appointment (where that is later),notify the South Northants Council's Monitoring Officer, via the Parish Clerk, in writing of any Disclosable Pecuniary Interests you have at that time.
- 7.2. Subject to paragraph 9 below (sensitive interests), you must, within 28 days of becoming aware of any new Disclosable Pecuniary Interest or any change to any such interest, notify the South Northants Council's Monitoring Officer, via the Parish Clerk, in writing of that new pecuniary interest or change.
- 7.3. Disclosable Pecuniary Interests will be published on the South Northants Council's website, and a link to this will be made from the Parish web site.

8. Disclosable Pecuniary interests in matters considered at meetings or by a single member

- 8.1. If you attend a meeting and have and are aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, at that meeting, –
 - a) if the interest is not entered in the Council's register of members' interests, you must, subject to sub-paragraph 9 below, disclose to the meeting the fact that you have a Disclosable Pecuniary Interest in that matter. If you have not already done so, you must notify South Northants Council's Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure, and
 - b) whether the interest is registered or not you must not – unless you have obtained a dispensation from the South Northants Council's Monitoring Officer
 - i. participate, or participate further, in any discussion of the matter at the meeting; or
 - ii. remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting.

9. Sensitive interests

- 9.1. Where you consider (and South Northants Council's Monitoring Officer agrees) that the nature of a Disclosable Pecuniary or Non-Statutory Disclosure Interest is such that disclosure of the details of the interest could lead to you or a person connected with you being subject to intimidation or violence, it is a "sensitive interest" for the purposes of the Code, and the details of the sensitive interest do not need to be disclosed to a meeting, although the fact that you have a sensitive interest must be disclosed.

10. Non Statutory Disclosable Interests

- 10.1. You have a "non-statutory disclosable interest" in an item of business of your council where –
- a. 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 Council Tax payers within the Parish, or
 - b. it relates to or is likely to affect any of the interests listed in the Table in the Appendix A 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.
- 10.2. If you attend a meeting and are aware that you have a 'Non Statutory Disclosable Interest' in any matter to be considered, or being considered, at that meeting:-
- (a) If the interest is not entered in the Council's register of members' interests, you must, subject to sub-paragraph 9 above, disclose to the meeting the fact that you have a Non-Statutory Disclosable Interest in that matter, and
 - (b) If the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest, you must not:-
 - (i) participate, or participate further, in any discussion of the matter at the meeting; or
 - (ii) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting.

11. Gifts and Hospitality

- 11.1. You must, within 28 days of receipt, notify the Monitoring Officer 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 Council.
- 11.2. The Monitoring Officer will place your notification on a public register of gifts and hospitality.

1. APPENDIX A

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 vocation	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 Council 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;

- i) M’s spouse or civil partner,
- ii) A person with whom M is living as husband and wife, or
- iii) A person with whom M is living as if they were civil partners.

“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.