

LITTLE PAXTON PARISH COUNCIL

CODE OF CONDUCT FOR MEMBERS

Introduction

Little Paxton Parish Council (the Authority) has adopted this Code of Conduct pursuant to Section 27 of the Localism Act 2011 to promote and maintain high standards of behaviour by its members and co-opted members whenever they are acting in their capacity as a member of the Authority or when they claim to act or give the impression of acting as a representative of the Authority.

This Code is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership (“the Nolan Principles”).

1. Application

This Code of Conduct applies to you whenever you are acting, claim to act or give the impression you are acting in your capacity as a Member of the Authority, including –

- 1.1 at formal Meetings of the Authority
- 1.2 when acting as a representative of the Authority
- 1.3 in discharging your functions as a Councillor
- 1.4 when corresponding with the Authority other than in a private capacity.

2. Meeting

In this Code “Meeting” means any meeting organised by or on behalf of the Authority, including –

- 2.1 any meeting of the Council, or a Committee or Sub-Committee of Council
- 2.2 at any briefing by Officers; and
- 2.3 at any site visit to do with the business of the Authority.

3. General Conduct

You must –

- 3.1 provide leadership to the authority and communities within its area, by personal example
- 3.2 respect others and not bully or threaten or attempt to bully or threaten any person
- 3.3 respect the confidentiality of information which you receive as a Member by –
 - 3.3.1 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
 - 3.3.2 not obstructing third parties’ legal rights of access to information
- 3.4 not conduct yourself in a manner which is likely to bring the Authority into disrepute.

- 3.5 use your position as a Member in the public interest and not for personal advantage.
- 3.6 comply with the Authority's reasonable rules on the use of public resources for private and political purposes.
- 3.7 exercise your own independent judgement, taking decisions for good and substantial reasons by –
 - 3.7.1 attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups;
 - 3.7.2 paying due regard to the advice of Officers, and in particular to the advice of the statutory officers; and
 - 3.7.3 stating the reasons for your decisions where those reasons are not otherwise apparent
- 3.8 do nothing that causes the Authority to act unlawfully.

4. Registration of Interests

- 4.1 Within 28 days of this Code being adopted by the Council, or your election (if later), you must register with the Monitoring Officer any interests listed in Appendices A and B.
- 4.2 You must ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of any interests listed in Appendices A and B.

5. Disclosable Pecuniary Interests

- 5.1 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; or
 - (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 other person has the interest.
- 5.2 You must -
 - 5.2.1 comply with the statutory and the Authority's requirements to disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest.
 - 5.2.3 make a 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.
 - 5.2.4 Where you have a disclosable pecuniary interest, whether the interest is registered or not, you must not (unless you have obtained a dispensation

from the Authority's Proper Officer) and been granted a dispensation in accordance with the procedures adopted by the Council –

- (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.

6. Non Statutory Disclosable Interests

- 6.1 In addition to the requirements of Paragraph 5, if you attend a meeting at which any item of business is to be considered and you are aware that you have a “non-statutory disclosable 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.
- 6.2 You have a “non-statutory disclosable interest” in an item of business of your authority where –
 - 6.2.1 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, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
 - 6.2.2 it relates to or is likely to affect any of the interests listed in the Table in 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; or
 - 6.2.3 it relates to or is likely to affect any of the interests listed in Appendix B to this Code and that interest is not a disclosable pecuniary interest.

7. Gifts and Hospitality

- 7.1 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 authority.
- 7.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.

NOTE: Members must also comply with any relevant Codes and Protocols contained in the Authority's Constitution.

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 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.

APPENDIX B

An interest which relates to or is likely to affect any body:-

- (a) exercising functions of a public nature; or
- (b) directed to charitable purposes; or
- (c) one of whose principal purposes includes the influence of public opinion or policy
(including any political party or trade union

of which you are a member or in a position of control or management.

APPENDIX C
DISPENSATION PROCEDURE GUIDE
TOWN AND PARISH COUNCILS

1. INTRODUCTION

Under the Localism Act 2011 (“the Act”), a Member or Co-opted Member who has a Disclosable Pecuniary Interest in a matter which is under consideration, may not participate in the consideration of that matter unless he/she has first obtained a dispensation from the ‘relevant authority’.

Previously dispensations were issued by the Standards Committee of the District Council, but as Town/Parish Councils are defined as a ‘relevant authority’ under the Act, they are now responsible for determining requests for a dispensation by a Town/Parish Councillor under Section 33.

This guide explains -

- (a) the purpose and effect of dispensations;
- (b) the procedure for requesting dispensations;
- (c) the criteria which are applied in determining dispensation requests;
- (d) the terms of dispensations;
- (e) general dispensations.

2. PURPOSE AND EFFECT OF DISPENSATIONS

In certain circumstances Councillors may be granted a dispensation which enables them to take part in Council business where this would otherwise be prohibited because they have a Disclosable Pecuniary Interest. Provided Councillors act within the terms of their dispensation there is deemed to be no breach of the Code of Conduct or the law.

Dispensations may allow the Councillor to participate in any -

- (a) discussion of the matter at the meeting(s); and/or
- (b) vote taken on the matter at the meeting(s).

If a dispensation is granted, the Councillor may remain in the room where the meeting considering the business is being held.

Please note: If a Town/Parish Councillor participates in a meeting where he/she has a Disclosable Pecuniary Interest and he/she does not have a dispensation, they may be committing a criminal offence under Section 34 of the Localism Act 2011.

3. PROCEDURE FOR MAKING REQUESTS

Any Councillor who wishes to apply for a dispensation must complete a Dispensation Request Form and submit it to the Proper Officer of the Town/Parish Council (i.e. the Town/Parish Clerk) as soon as possible before the meeting for which the dispensation is required.

4. CONSIDERATION BY THE AUTHORITY

The Authority has delegated responsibility to the Proper Officer to grant dispensations. The Proper Officer shall use discretion and in case of conflict consult with the Chairman of the Council or Vice Chairman.

A dispensation may be granted to a Councillor who has a Disclosable Pecuniary Interest to participate in any discussion of a matter at a meeting and/or to participate in any vote on the matter if it is considered that -

- (a) so many Members of the Council/Committee have Disclosable Pecuniary Interests that it would impede the transaction of the business (i.e. the meeting would be inquorate); or
- (b) without the dispensation the representation of different political groups on the Council (if these exist) would be so upset as to alter the likely outcome of any particular vote;
- (c) the dispensation is in the interests of persons living in the authority's area; or
- (d) it is otherwise appropriate to grant a dispensation.

If the adopted Code prevents a Councillor speaking or voting where they have an interest other than a Disclosable Pecuniary Interest, the Parish Council may wish to extend the provisions of the above paragraph to apply in the same way to those interests, but this is at the discretion of the Council.

The Proper Officer shall formerly notify the Councillor and the Chairman (Vice Chairman in cases of conflict cases) of the decision and reasons in writing at the earlier opportunity.

5. CRITERIA FOR DETERMINATION OF REQUESTS

The following are examples of criteria that may be appropriate in determining a request for a dispensation, but the Council will need to determine the factors they consider relevant. -

- (a) the nature of the Councillor's prejudicial interest, e.g. is it trivial or remote?
- (b) the need to maintain public confidence in the conduct of the Council's business;
- (c) in certain circumstances, the possible outcome of the proposed vote;
- (d) the need for efficient and effective conduct of the Council's business;
- (e) the Member has a particular expertise or knowledge in the matter that may be useful to its consideration (e.g. a Member could be allowed to speak, but not vote);
- (f) the interest is common to the Member and a significant proportion of the general public;
- (g) any other relevant considerations.

6. TERMS OF DISPENSATIONS

Dispensations may be granted -

- (a) to participate in any discussion of the matter; and/or
- (b) to participate in any vote on the matter;
- (c) for one meeting; or
- (d) for a limited period not exceeding 4 years.

7. DISCLOSURE OF DECISION

Any Councillor who has been granted a dispensation must declare the nature and existence of the dispensation before the commencement of any business to which it relates. A copy of the dispensation will be kept with the Register of Councillors' Interests.

8. GENERAL DISPENSATIONS

The Council may wish to consider granting a general dispensation to all Councillors in situations where every Member is likely to have a Disclosable Pecuniary Interest e.g. when setting the precept and annual budget.

(i)

(ii) **APPENDIX D**

DISPENSATION REQUEST FORM

Please give full details of the following in support of your application for a dispensation. You should refer to the accompanying 'Dispensations Guidance'. If you need any help completing this form please contact the Parish Clerk.

Your Name:	
The business for which you require a dispensation (<i>refer to agenda item number if appropriate</i>):	
Details of your interest in that business:	
Date of meeting or time period (<i>up to 4 years</i>) for which dispensation is sought:	
Dispensation requested to participate in any discussion of that business by that body:	Yes/No*
Dispensation requested to participate in any vote taken on that business by that body:	Yes/No*
Specify which of following ground(s) you consider relevant to your request: (a) so many Members of the Council/Committee have disclosable pecuniary interests that it would impede the transaction of the business (<i>i.e. meeting inquorate</i>); or (b) without the dispensation the representation of different political groups on the Council would be so upset as to alter the likely outcome of any particular vote; or (c) the dispensation is in the interests of persons living in the authority's area; or (d) it is otherwise appropriate to grant a dispensation. AND Please provide full reasons why you consider a dispensation is necessary (<i>use a continuation sheet if necessary</i>):	Grounds (a)/(b)/(c)/(d)* * Delete as appropriate Reason(s) for application:

Adopted 19 June 14

Signed: _____

Dated: _____

Please return your completed form to the Parish Clerk