

ALREWAS PARISH COUNCIL

Code of conduct for Alrewas Parish Council

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Part 1: Introduction

- 1 Pursuant to section 27 of the Localism Act 2011, Alrewas Parish Council ('the Council') has adopted this Code of Conduct to promote and maintain high standards of behaviour by councillors, officers and all of 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.

- 2 This Code is not intended to be an exhaustive list of all of the legal and constitutional obligations placed on members of the Council. It is, however, everyone's responsibility to comply with the following provisions of this Code as well as other legal obligations, for example GDPR requirements, beyond this Code.

- 3 Each councillor will have a copy of the Code of Conduct, and it will be publicly available on the Council's website

- 4 Councillors will receive training on the Code of Conduct after they take office

- 5 This Code is reviewed and reapproved annually.

- 6 If there is any contradiction between this Code and relevant legislation then the legislation takes precedence.

2 Principles of Public Life

1 This Code of Conduct is based on and consistent with the following principles, agreed nationally, which are expected of all who serve in public life:

SELFLESSNESS

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial and other material benefits.

INTEGRITY

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations for rewards and benefits. Holders of public office should make decisions in their role on merit, not for personal gain

OBJECTIVITY

In carrying out public business, including making public appointments or recommending individuals for awards and benefits including contracts, holders of public office should make choices on merit, not for any personal reward

ACCOUNTABILITY

Holders of public office are accountable for their decisions and actions to the public

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.

3 Definitions

For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or subcommittee 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.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees, including working groups.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

Please see appendix A and B for definitions of Interests.

4 Member obligations

When acting a member of the Council individuals have the following obligations.

1 When acting as a member of the Council:

1. To behave in such a way that a reasonable person would regard as respectful.
2. To not do anything which may cause the Council to breach any of the equality enactments (as defined by Section 33 of the Equality Act 2006 a)
3. To not do anything which may cause the Council to breach any of the GDPR related legislation and you will follow the Council's GDPR requirements, including in relation to the use of the Council e mail address
4. To be aware of and comply with the requirements which the Bribery Act 2010 places on each Cllr and on the Council as a whole
5. To not act in a way which a reasonable person would regard as bullying or intimidatory. (Bullying is defined for this purpose as offensive, intimidating, malicious, insulting or humiliating behaviour that is directed at someone else involved with the Council)
6. To not intimidate or try to intimidate anyone who has complained about an individual Cllrs or who may be involved in a complaint about the Cllr
7. To not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of the Council.
8. To not seek to improperly confer an advantage or disadvantage on any person.
9. To not use the position to improperly to gain an advantage for themselves

10. To not disclose information given in confidence by anyone, or information acquired by a Cllr which an individual believes, or ought reasonably to believe, is of a confidential nature, except where:
 - a) An individual has the consent of the person authorised to give it
 - b) An individual is required by law to do so
 - c) The disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person: or
 - d) The disclosure is reasonable and in the public interest or
 - e) The disclosure is made in good faith and in compliance with the reasonable requirements of the Council
11. To not prevent another person from gaining access to information to which that person is entitled by law

2 When making decisions on behalf of or as part of the Council

- 1 Have regard to any relevant advice provided by the Council's Proper Officer (Clerk) where such advice is offered in line with their statutory duties
- 2 Do give reasons for the decisions in accordance with any statutory requirements and any reasonable additional requirements of the Council

3 When using or authorising the use by others of Council resources

- 1 Do make sure that such resources are not used improperly for political purposes (including party political purposes)
- 2 Do have regard to any Local Authority Code of Publicity made under the Local Government Act 1986

- 3 Do not improperly use knowledge gained solely as a result of the role as a member for the advancement of personal Disclosable Pecuniary Interests

5 Member Interests

1 Registration of interests

- 1 Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), the disclosure of a Disclosable Pecuniary Interest not on the Council's Register of Interests or the subject of a pending registration a Cllr must register with the Clerk any Disclosable Pecuniary Interest where the Disclosable Pecuniary Interest is theirs or the interest of their spouse, civil partner, or somebody with whom they are living as husband or wife or civil partner.
- 2 If a Cllr is a re-elected member or made a re-appointed co-opted member, they shall within 28 days re-register with the Clerk any relevant interests in Appendices A and B.
- 3 They shall register with the Clerk any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.
- 4 A member need only declare the existence but not the details of any interest which the Clerk agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

2 Declaration of interests at meetings

- 1 Where a matter arises at a meeting which relates to an interest in Appendix A a Cllr shall not participate in a discussion or vote on the matter. A Cllr only has to declare what their interest is if it is not already entered in the member's register of interests or if they have not notified the Monitoring Officer via the Clerk of it.
- 2 Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, a Cllr shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, a Cllr shall disclose their interest but not the nature of it.
- 3 Where a matter arises at a meeting which relates to an interest in Appendix B, a Cllr shall not vote on the matter. They may speak on the matter only if members of the public are also allowed to speak at the meeting.
- 4 A Cllr only has to declare your interest in Appendix B if it is not already entered in their register of interests or they have not notified the Monitoring Officer of it or if the Cllr speaks on the matter. If the Cllr holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, the Cllr shall declare the interest but not the nature of the interest.
- 5 Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest in Appendix A), a Cllr shall disclose the nature of the interest and not vote on the matter. They may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' they shall declare the interest but not the nature of the interest.

- 6 If the interest is a Code of conduct interest they may make a statement on the matter in which they have an interest before leaving the room

3 Dispensations

In a written request made to the Clerk, the Council may grant a dispensation to participate in a discussion and vote on a matter at a meeting even if the Cllr have an interest in Appendices A and B if the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the Cllr to take part or it is otherwise appropriate to grant a dispensation.

4 Offences

The following offences and penalties can be imposed on a Cllr who does not comply with legal requirements relating to interests

It is a criminal offence to:

- a fail to notify the Proper Officer (Clerk) of any Disclosable Pecuniary Interest within 28 days of election/co-option
- b fail to disclose a Disclosable Pecuniary Interest at a meeting if it is not on the Register
- c Fail to notify the Clerk within 28 days of a Disclosable Pecuniary Interest that is not on the Register that the Cllr has disclosed to a meeting
- d participate in any discussion or vote on a matter in which the Cllr has a Disclosable Pecuniary Interest as an executive member discharging a function alone. And having a Disclosable Pecuniary Interest in such a matter, failing to notify the Clerk within 28 days of the interest or knowingly or recklessly providing information that is false or misleading in notifying the Clerk of a Disclosable Pecuniary Interest or in disclosing such an interest to a meeting

Penalties:

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and to disqualify an individual from being a councillor for up to five years.

Appendix A

This is based on an extract from the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. “M” means the Cllr and “relevant person” means the Cllr, spouse or civil partner or someone with whom they are living as husband, wife or civil partner.

Subject	Description
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 Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses.
	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 made between the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the Council —
	(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 Council. ‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.
Corporate tenancies	Any tenancy where (to the member’s knowledge)—
	(a) the landlord is the Council; and
	(b) the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.

Securities	Any beneficial interest in securities* of a body where—
	(a) that body (to the member's knowledge) has a place of business or land in the area of the Council; 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 member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*'director' includes a member of the committee of management of an industrial and provident society. **'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:

- (i) any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- (ii) any body—
 - (a) exercising functions of a public nature;
 - (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 the member of the Council is a member or in a position of general control or management;
- (iii) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.

Definitions:

Alrewas Parish Council

Disclosable pecuniary interests

Disclosable pecuniary interests are defined in 'The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012' (The Regulations).

Code of Conduct interest

These are pecuniary interest of the nature set out in the Schedule to this code that affects the Cllr or relate to or affect a relevant person as defined in the regulations, a member of the Cllr's family or a close friend.

Sensitive interests

These are interests which the Cllr considers that to disclose the details could lead to them or a family member or person connected to them being subject to violence or intimidation and the Clerk as Proper Officer agrees.

If the interest is entered upon the Register public copies will exclude the interest, but may state that the Cllr have a disclosable pecuniary interest, the details of which have been withheld under Section 32 (2) of the Localism Act 2012.