



Birdham Parish Council

Code of Conduct

Adopted by Birdham Parish Council

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BIRDHAM PARISH COUNCIL
THE CODE OF CONDUCT FOR MEMBERS

PART 1 – Introduction and Interpretation

This Code applies to you as a member of Birdham Parish Council when you act in your role as a member. It is your responsibility to comply with the provisions of this Code.

As a member you are a representative of this authority and the public will view you as such. Therefore, your actions impact on how the authority as a whole is viewed and your actions can have both positive and negative impacts on the authority.

You should read this Code together with the general principles of public life on which it is based and which are set out in the Appendix.

In this Code-

“**meeting**” means any meeting of:

- (a) the authority
- (b) any of the authority’s committees, sub-committees, panels and forums, joint committees ,

Whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members

“**member**” includes a co-opted member (voting and non-voting) and an appointed member.

If you need guidance on any aspect of this Code you should seek it from the Monitoring Officer or Deputy Monitoring Officer.

PART 2 – Scope and General Obligations

1. Scope

- (1) This Code applies to all members of Birdham Parish Council, including co-opted voting members,
- (2) You must comply with this Code whenever you –
 - a. conduct the business of your authority, or
 - b. act, claim to act or give the impression you are acting as a representative of your authority or in your official capacity as a member of the authority.
- (3) Where you act as a representative of your authority-
 - a. on another 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.

2. General Obligations

- (1) When acting in your role as a member of the authority –
- a. **do not** conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
 - b. **do 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;
 - c. **do** treat others with respect;
 - d. **do not** bully any person;
 - e. **do not** intimidate or attempt to intimidate any person who is or is likely to be a complainant or a witness, or involved in any investigation or proceedings about a complaint that a member (including yourself) has failed to comply with his or her authority's code of conduct;
 - f. **do not** do anything which may cause the authority to breach any of the equality duties (as set out in the Equality Act 2010);
 - g. **do not** do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority;
 - h. **do not** 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, unless:
 - i. you have the consent of a person authorised to give that consent;
 - ii. you are required by law to do so;
 - iii. the disclosure is made for the purpose of obtaining professional legal advice and the recipient agrees not to disclose the information to any other person; or
 - iv. the disclosure is-
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; and
 - (cc) you have consulted the Clerk to the Council prior to its release.
 - i. **do not** prevent another person from gaining access to information to which that person is entitled by law;
- (2) When using or authorising the use by others of the resources of the authority -
- a. **do** act in accordance with the authority's reasonable requirements;
 - b. **do** make sure that such resources are not used improperly for political purposes (including party political purposes); and
 - c. **do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- (3) When reaching decisions on any matter –
- a. **do** have regard to any relevant advice provided to you by the Clerk to the Council, where that officer is acting pursuant to his or her statutory duties; and
 - b. **do** give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority.

PART 3 – Disclosable Pecuniary Interests (Localism Act 2011)

3. Notification of disclosable pecuniary interests

- (1) Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.
 - (2) A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means 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 are civil partners) within the description at sub-paragraph (3) below. Any interest which your partner may have is only treated as your interest if you are aware that your partner has the interest.
 - (3)
 - 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 the authority) made or provided within the preceding 12 months in respect of any expenses incurred by you in carrying out duties as a member, or towards your 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(a);
 - c. any contract which is made between you or your partner (or a body in which you or your partner has a beneficial interest) and the authority under which goods or services are to be provided or works are to be executed and which has not been fully discharged.
 - d. any beneficial interest in land which is within the area of the authority;
 - e. any licence (alone or jointly with others) to occupy land in the area of the authority for a month or longer;
 - f. any tenancy where (to your knowledge) the landlord is the authority and the tenant is a body in which you or your partner has a beneficial interest;
 - g. any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of the relevant authority; and 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 you or your partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
- (certain words and expressions used in this list are defined in Regulations)
- (4) You must, within 28 days of becoming aware of any new interest or change to any interest registered under sub-paragraph (1) notify the Monitoring Officer of the details of that new interest or change.

4. Register of interests

Any interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the authority's website.

5. Sensitive interests

- (1) Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.
- (2) You must, within 28 days of becoming aware of circumstances which mean that information excluded under paragraph (1) is no longer sensitive, notify the Monitoring Officer so that the information is included in your authority's register of members' interests.

6. Non participation in case of disclosable pecuniary interest

- (1) If you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting-
 - a. you must disclose the interest to the meeting.
 - b. you may not participate in any discussion of the matter at the meeting, unless you have applied in writing for dispensation, and whilst the Clerk will be the author of the written dispensation, the granting, or not, of any such dispensation should be by the Clerk in consultation with the Chairman or Vice-Chairman of the Council.
 - c. you may not participate in any vote taken on the matter at the meeting, unless you have applied in writing for dispensation, and whilst the Clerk will be the author of the written dispensation, the granting, or not, of any such dispensation should be by the Clerk in consultation with the Chairman or Vice-Chairman of the Council.
 - d. you must leave the room whilst the business is discussed, unless the public have the right to attend, in which case you should move to the public seating area. You may then make representations, answer questions or give evidence relating to the business, provided the public are also allowed to attend the meeting for the same purpose, and you have a dispensation from the Clerk to the Council enabling you to do so.
 - e. if the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

7. Offences

- (1) It is a criminal offence to-
 - a. fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election;
 - b. fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;

- c. fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting;
 - d. participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest, unless you have received a dispensation from the Clerk to the Council.
 - e. knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting;
- (2) The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

PART 4 – Other Interests (Personal and Prejudicial)

8. Notification of other interests

- (1) In addition to the disclosable pecuniary interests notifiable under the Localism Act 2011, you must, within 28 days of—
- a. this Code being adopted by or applied to your authority; or
 - b. your election or appointment to office (where that is later),
- notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the following descriptions, for inclusion in the register of interests.
- (2) You have a personal interest in any business of your authority where it relates to or is likely to affect—
- a. any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - b. any body of which you are a member or in a position of general control or management —
 - i. exercising functions of a public nature;
 - ii. directed to charitable purposes; or
 - iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);
 - c. the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50;
- (3) You must, within 28 days of becoming aware of any new interest or change to any interest registered under sub-paragraph (1) notify the Monitoring Officer of the details of that new interest or change.

9. Disclosure of other interests

- (1) Subject to sub-paragraphs (2) to (5) below, where you have a personal interest described in paragraph 8 above or in paragraph (2) below in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the relevant time at the meeting, at the commencement of that consideration, or when the interest becomes apparent.
- (2) (A) You have a personal interest in any business of your authority where a decision in relation to that business might reasonably be regarded as

affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of your ward affected by the decision;

(B) In sub-paragraph (2)(A), a relevant person is—

a.

i. your spouse or civil partner,

ii. living with you as husband and wife or as if you are civil partners,

iii. your grandparent,

iv. a lineal descendant of your grandparent,

v. a parent, sibling or child of a person within paragraph (i) or (ii),

vi. the spouse or civil partner of a person within paragraph (iii), (iv) or (v), or

vii. living with a person within paragraph (iii), (iv) or (v) as husband and wife or as if they are civil partners.

b. any person with whom you have a close association;

c. any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

d. any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

e. any body of a type described in paragraph 8(2)(a) or (b).

(3) Where you have a personal interest in any business of your authority which relates to or is likely to affect a body described in paragraph 8(2)(a) or (b), you need only disclose to the meeting the existence and nature of that interest if you address the meeting on that business.

(4) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(2)(c), you need not disclose that interest if it was registered more than three years before the date of the meeting.

(5) Where you have a personal interest but, by virtue of paragraph 11, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

10. Register of interests

Any interests notified to the Monitoring Officer, under paragraph 8 above, will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the authority's website.

11. Sensitive interests

- (1) Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.
- (2) You must, within 28 days of becoming aware of circumstances which mean that information excluded under paragraph (1) is no longer sensitive, notify the Monitoring Officer so that the information is included in your authority's register of members' interests.

12. Non participation in case of prejudicial interest

- (1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where 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 and where that business—
 - a. affects your financial position or the financial position of a person or body described in paragraph 9 (2)(B); or
 - b. relates to the determining, amendment, modification, variation, or revocation of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 9 (2)(B), or of any condition, limitation or term to which it is subject.
- (2) You do not have a prejudicial interest in any business of the authority where that business relates to the functions of your authority in respect of—
 - a. housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - b. schools, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - c. statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - d. an allowance, payment or indemnity given to members;
 - e. any ceremonial honour given to members; and
 - f. setting council tax or a precept under the Local Government Finance Act 1992.
- (3) Subject to sub-paragraph (4) below, where you have a prejudicial interest in any business of your authority—
 - a. you must disclose the interest to the meeting.
 - b. except as in d. below, you may not participate in any discussion of the matter at the meeting, unless you have received a dispensation the Clerk or the interest is of the type mentioned in paragraph 8(2)(a).
 - c. you may not participate in any vote taken on the matter at the meeting, unless you have received a dispensation the Clerk to the Council.

- d. you must leave the room whilst the business is discussed, unless the public have the right to attend, in which case you should move to the public seating area. You may then make representations, answer questions or give evidence relating to the business, provided the public are also allowed to attend the meeting for the same purpose.
 - e. you must not seek improperly to influence a decision about that business.
- (4) Where the interest is of the type mentioned in paragraph 8(2)(a), you may participate in the discussion, but may not vote in relation to the matter unless you have obtained a dispensation the Clerk to the Council

14. Pre-determination or bias

- (1) Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as member. However, do not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties. You must retain the ability to consider the matter with an open mind and to give proper consideration to all the facts and information relevant to the decision.
- (2) When making a decision, do consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

15. Compliance with Constitution

Failure to comply with the requirements of the Council's Constitution shall be deemed to be a breach of this Code.

The General Principles of Public Life

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Integrity

2. Members should not place themselves in situations where their integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Honesty

6. Members should not place themselves in situations where their honesty may be questioned, should not behave dishonestly and should on all occasions avoid the appearance of such behaviour.

Leadership

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