

XXXXXXXXX COUNCIL

CODE OF CONDUCT

Part 1

General provisions

Introduction and interpretation

1. (1) This Code applies to **you** as a member or co-opted member of XXXXXXXX Council.

(2) You should read this Code together with the Ten [Seven] Principles of Public Life [also known as the Nolan Principles] which are set out in [Appendix 1] [below]

Comment [s1]: To be agreed locally – some councils may opt for Seven principles

(3) It is your responsibility to comply with the provisions of this Code.

(4) In this Code—

"meeting" means any meeting of

(a) the authority;

(b) any of the authority's, sub-committees, joint committees, joint sub-committees, or area committees;

(c) the executive (Cabinet) of the authority or it's committees

"Monitoring Officer" means the Monitoring Officer for the principal Council which is XXXXX Council;

Scope

2. (1) This Code applies to you as a member of this authority when you act in your role as a Member.
- (2) Where you act as a representative of the authority:
 - (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 the 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 or proceedings,in relation to an allegation that a member (including yourself) has failed to comply with the 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 authority.

4. You must not:

- (a) 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:
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) 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
 - (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; or
- (b) 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 authority into disrepute.

6. You:

- (a) 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
- (b) must, when using or authorising the use by others of the resources of, or under the control of, the authority:
 - (i) act in accordance with the authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity.

7. You must:
- (a) when reaching decisions on any matter have regard to any relevant advice provided to you by the authority's officers and in particular by the authority's Monitoring Officer and Section 151 Officer; and
 - (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority
8. You must 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.

Part 2

Interests

Disclosable Pecuniary Interests ("DPI")

9. (1) You will have a Disclosable Pecuniary Interest ("DPI") under this Code if:-
- (a) such interest meets the definition prescribed by XXX regulations as amended from time to time and set out in Appendix 2 to this Code; and
 - (b) it is either an interest of yourself; or 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 the other person has the interest.

Other Pecuniary Interests

Note – Agreed by County solicitors that this will cover interests of a financial nature but outside the definition of dpi's as laid down by the regulations. Full definition to be confirmed once the regulations are available

10.(1) You will have an Other Pecuniary Interest.....

Non-pecuniary interests

- 11.(1) You will have a Non-pecuniary Interest in any matter if you or a member of your family or person or organisation with whom you are associated have a close connection with the matter under discussion.
- (2) If you are a member of another local authority, or public body, or you have been appointed as the Council's representative on an outside body, you do not have a non-pecuniary interest unless a member of the public knowing the circumstances would reasonably regard membership of the body concerned as being likely to prejudice your judgment of what is in the public interest.

Registration of Disclosable Pecuniary Interests

12. (1) You must within 28 days of becoming a member of the authority or being re-elected notify the Monitoring Officer in writing of any DPI which you hold at the time notification is given
- (2) You must within 28 days of becoming aware of any new DPI, or changes to existing DPIs notify the Monitoring Officer in writing.

Disclosure of Interests

- 13.(1) DPIs
- (a) If you are present at a meeting of the Council committee and you have a DPI then you must:-
- i Disclose the nature and existence of the interest; and
 - ii Leave the meeting (including the meeting room and public gallery) and take no part in the discussion; and
 - iii If the interest has not already been recorded notify the Monitoring Officer of the interest within 28 days beginning with the date of the meeting.
- (b) If you have a DPI you must not participate in informal meetings/briefings and site visits and must disclose the DPI in any correspondence with the Council.

(2) Single Member Decisions

If when participating in single member decision making you have a DPI affecting the matter being decided then you may take no steps other than asking for the matter to be decided under alternative arrangements.

Comment [s2]: Not applicable to Parish Councils

(3) Dispensations

The only exception to paragraph 13(1) is that you may take part in the discussion and vote regarding a matter in which you have a disclosable pecuniary interest provided that you have been granted a dispensation by your authority in accordance with section 33 of the Localism Act 2011. The procedure for applying for a dispensation is set out at Part XXXXX of the [Council's Constitution] [Standing Orders]

Comment [s3]: In the case of a Parish Council

(4) Other Pecuniary Interests and Non-pecuniary Interests

(a) If you are present at a meeting of the Council and you have an Other Pecuniary Interest or a Non-pecuniary interest then you must:

- i Disclose the nature and existence of the interest; and
- ii If the interest is one which a member of the public knowing the circumstances would reasonably regard as being likely to prejudice your judgment of what is in the public interest leave the meeting (including the meeting room and public gallery) and take no part in the discussion.

Sensitive Information

14. (1) An interest will be a sensitive interest if the two following conditions apply:

- (a) That you have an interest (whether or not a DPI); and
- (b) the nature of the interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you or a person connected to you being subject to violence or intimidation.

(2) Where following consultation with the Monitoring Officer it is decided that an interest is a "sensitive interest" copies of the register that are made available

for inspection and any published version of the register must not include details of the interest. The Monitoring Officer may decide to state on the register that the member has an interest the details of which are excluded under this section.

- (3) Where the sensitive interest is a DPI the usual rules relating to disclosure of that interest will apply save that the member will not be required to disclose the nature of the interest but merely the fact that they hold a DPI in the matter concerned.

APPENDIX 1

The Ten Principles of Public Life (*not attached*)

APPENDIX 2

The Localism Act Definition of Disclosable Pecuniary Interests Regulations (*not attached*)