

# CODE OF CONDUCT for MEASHAM PARISH COUNCIL

Adopted 12th July 2012

Reviewed and re-adopted unamended May 2020

The Members' 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.

Reviewed and approved May 2020

## PART 1

### GENERAL PROVISIONS

#### 1. **Introduction and Interpretation**

- 1.1 You should read this Code in conjunction with the Council Standing Orders
- 1.2 This Code applies to **you** as a member of Measham Parish Council.
- 1.3. It is **your** responsibility to comply with the provisions of this Code and ensure all obligations are met.
- 1.4 In this Code:

“**Meeting**” means any meeting of:

- (a) the Authority;
- (b) any of the Authority’s committees, sub-committees, joint committees, joint sub-committees, or area committees;

- 1.5 “**Member**” means any person being an elected or co-opted member of the Authority and any independent person appointed by the Authority to assist with the discharge of the Code of Conduct functions.
- 1.6 In relation to a parish council, references to an authority's Monitoring Officer and an authority's Standards Committee shall be read, respectively, as references to the Monitoring Officer and the Standards Committee of the District Council which has functions in relation to the parish council for which it is responsible under Section 55(12) of the Local Government Act 2000.

#### 2. **Scope**

- 2.1 You must comply with this Code whenever you
- 2.1.1 act, claim to act or give the impression you are acting as a representative of your Authority
- 2.1.2 conduct the business of your Authority (which, in this Code, includes the business of the office to which you are elected or appointed)
- 2.2 Where you act as a representative of Measham Parish Council
- 2.2.1 on another relevant authority, you must, when acting for that other authority, comply with that other authority’s code of conduct
- 2.2.2 on any other body, you must, when acting for that other body, comply with this Code of Conduct except in so far as it conflicts with any other lawful obligations to which that other body may be subject.
- 2.3 In addition to having effect in relation to conduct in your official capacity, the Code also has effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

- 2.4 Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

### **3 Respect**

#### **3.1 You must treat others with respect**

It is the collective responsibility of all Members to create a fair, safe and enjoyable environment for Members, Officers and Residents which is free from discrimination, intimidation and abuse.

#### **3.2 You must not:-**

3.2.1 do anything which may cause the Authority to breach the Equality Act 2010;

3.2.1 bully any person

3.2.3 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;

3.2.4 do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.

### **4. Confidentiality**

4.1 You must 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, except where:

4.1.1 you have the consent of a person authorised to give it;

4.1.2 you are required by law to do so;

4.1.3 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

4.1.4 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

4.2 You must not prevent another person from gaining access to information to which that person is entitled by law.

**5. You must not**

5.1 conduct yourself in a manner which could reasonably be regarded as bringing your authority into disrepute.

5.2 place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

5.3 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 including providing or offering to provide a reference for any candidate for employment or promotion with the Authority.

5.4 use or allow to be used Council resources improperly for political purposes (including party political purposes) and act in accordance with the Council's reasonable requirements.

**6. You must**

6.1 when reaching decisions on any matter have regard to any relevant advice provided to you by:

6.1.1 Statutory Officers; or

6.1.2 Senior Officers, where that officer is acting pursuant to his or her statutory duties.

6.1.3 Any advice from a third party

6.2 give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed.

6.3 make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on individual and independent merit

6.4 be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions, notwithstanding your other obligations under this Code.

**7. Accountability**

7.1 You are accountable to the public for your decisions and you must co-operate fully with whatever scrutiny is appropriate to your office.

## PART 2

### INTERESTS

#### 8. Disclosable Pecuniary Interests

8.1 Subject to Paragraph 11 (sensitive interests), you must within 28 days of

- (a) this code being adopted or
- (b) your election or appointment (where that is later)

Notify the Monitoring Officer of any Disclosable Pecuniary Interests where such interest is

- i yours,
- ii your spouse's or civil partner's
- iii somebody with whom you are living as husband and wife or civil partners
- iv that of your family,
- v close associate.

and you are aware that that person has the interest

8.2 Subject to Paragraph 11, you must within 28 days of becoming aware of any new Disclosable Pecuniary Interest or any change to any such interest, notify the Monitoring Officer in writing of that new interest or change pursuant to Paragraph 8.1

8.3 You have a Disclosable Pecuniary Interest if it is of a description specified in Regulations made by the Secretary of State

8.3 Where such an interest exists and has or has not been entered onto the authority's register, you must disclose the interest to any meeting of the authority at which you are present, where you have a Disclosable Interest in any matter being considered and where the matter is not a 'sensitive interest' or where no dispensation has been given.

8.4 Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the Monitoring Officer in writing of the interest within 28 days beginning with the date of disclosure.

8.5 Where you have a Disclosable Pecuniary Interest you must not remain in the meeting or participate in the discussions on the matter on which you hold that Interest, unless members of the public are allowed to make representations, give evidence or answer questions about the matter.

#### 9 Disclosable Non-Pecuniary Interests

9.1 Subject to Paragraph 11 (sensitive interests), you must within 28 days of

- (a) this code being adopted or
- (b) your election or appointment (where that is later)

notify the Monitoring Officer of any Disclosable Non-Pecuniary Interests.

9.2 You have a Disclosable Non-Pecuniary Interest if it is of a description specified in Regulations made by the Secretary of State

9.3 Where you have a Disclosable Non-Pecuniary Interest you may remain in the meeting, speak and vote on the matter unless to do would compromise your impartiality obligations or any other obligations set out in this Code.

## **10. Dispensations**

10.1 Dispensations may be granted by the Monitoring Officer for one meeting only on request in writing from you.

10.2 Requests for Dispensations must be made in writing detailing what the interest is, why it is required and for what meeting.

10.3 Requests must be made 5 days prior to the meeting at which the Dispensation is required.

10.4 Further Dispensations must be sought from the Audit and Governance Committee or its Sub Committee.

10.5 Dispensations will only be granted where there are reasonable grounds for doing so and where such grounds are in the public interest.

## **11. Sensitive Interests**

11.1 A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

## GUIDANCE ON THE CODE OF CONDUCT

In accepting these Obligations you are committed to behaving in a manner that aims to achieve best value for our residents and maintain public confidence in this authority by the character and behaviour you present while acting in the course of your public duty.

In your role as a Member Measham Parish Council you must address the principles of the Code of Conduct by

- Championing the needs of residents – the whole community and in a special way your constituents, including those who did not vote for you - and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of yourself or others connected to you, to deter you from pursuing the interests of the Parish Council's area or the good governance of the authority in a proper manner.
- Exercising independent judgement and not compromising your position by placing yourself under obligations to outside individuals or organisations who might seek to influence the way you perform your duties as a member/co-opted member of this authority.
- Being accountable for decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding you and other members to account but restricting access to information when the wider public interest or the law requires it
- Behaving in accordance with all legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.
- Valuing colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.