

COPYTHORNE PARISH COUNCIL MEETING TUESDAY SEPTEMBER 8TH 2020

Item 13. Proposal to Update the Parish Council's Code of Conduct for members

BACKGROUND

Section 27 (2) of The Localism Act 2011 requires councils to have a Code of Conduct which confirms the obligations of councillors when they are representing the council. Such a Code is intended to build on the "Nolan Principles" which are the basis of the ethical standards expected of public office holders.

These seven principles are:-

- i. Selflessness – you should act in the public interest
- ii. Integrity – you should not put yourself under any obligations to others, allow them improperly to influence you or seek benefit for yourself, family, friends or close associates
- iii. Objectivity – you should act impartially, fairly and on merit
- iv. Accountability – you should be prepared to submit to public scrutiny necessary to ensure accountability
- v. Openness – you should be open and transparent in your actions and decisions unless there are clear and lawful reasons for non-disclosure
- vi. Honesty – you should always be truthful.
- vii. Leadership – as a councillor, you should promote, support and exhibit high standards of conduct and be willing to challenge poor behaviour.

CURRENT POSITION

On May 23rd 2017 Copythorne Parish Council adopted its current Code of Conduct (attached as Appendix 1).

In May 2018, the National Association of Local Councils ("NALC") produced a update to its "template" code of conduct for parish councils.

PROPOSAL

That this Council re-affirms its commitment to a members Code of Conduct by replacing its current Code of Conduct with the May 2018 NALC Template (attached as Appendix 2)

David Rigby, Parish Clerk
September 2nd 2020

Item 13 - APPENDIX 1

Current Copythorne Parish Council Code of Conduct, adopted on May 23rd 2017

Whenever you are acting in your capacity as a Councillor:

1. You must not use, or try to use, your position improperly to obtain an advantage or disadvantage for yourself or any other person or body.
2. You must not use your Council's resources improperly for political purposes or any other purposes forbidden by your Council.
3. You must not do anything that compromises, or is likely to compromise, the impartiality of those who work for the Council.
4. You must not bully anyone. (Bullying is offensive, intimidating, malicious, insulting or humiliating behaviour that is directed at someone over whom you have some actual or potential influence).
5. You must not intimidate, or try to intimidate, anyone who has complained about you or who may be involved with a complaint about you.
6. You must not disclose information that you know, or ought to know, is confidential, without authority or a legitimate reason.
7. You must not prevent, or try to prevent, anyone from obtaining information to which they are entitled by law.
8. You must not do anything that may cause your Council to breach any of the Equality laws that prohibit discrimination on grounds such as age, sex, race, disability, religion/belief, sexual orientation, or pregnancy.

Item 13 - APPENDIX 2

Proposed Copythorne Parish Council Code of Conduct (2018 NALC Template)

Introduction

Pursuant to section 27 of the Localism Act 2011, Copythorne Parish Council ('the Council') has adopted this Code of Conduct to promote and maintain high standards of behaviour by 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. This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

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, advisory committee or sub-committee of the Council, or a member of, and represents the Council or any joint committee, joint advisory 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, advisory committee or sub-committee.

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

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.

Member obligations

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations.

1. They shall behave in such a way that a reasonable person would regard as respectful.
2. They shall not act in a way which a reasonable person would regard as bullying or intimidatory.
3. They shall not seek to improperly confer an advantage or disadvantage on any person.
4. They shall use the resources of the Council in accordance with its requirements.
5. They shall not disclose information which is confidential or where disclosure is prohibited by law.

Registration of interests

6. 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), they shall register with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B.
7. Upon the re-election of a member or the re-appointment of a co-opted member, they shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B.
8. A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.
9. A member need only declare the existence but not the details of any interest which the Monitoring Officer 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.

Declaration of interests at meetings

10. Where a matter arises at a meeting which relates to an interest in Appendix A the member shall not participate in a discussion or vote on the matter. They only have 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 of it.
11. Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member 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, the member shall disclose they have an interest but not the nature of it.
12. Where a matter arises at a meeting which relates to an interest in Appendix B, the member 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.
13. A member only has to declare their 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 they speak on the matter. If they hold an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, they shall declare the interest but not the nature of the interest.
14. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest of a person in Appendix A), the member 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' the member shall declare the interest but not the nature of the interest.

Dispensations

15. On a written request made to the Council's proper officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if they 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 member to take part or it is otherwise appropriate to grant a dispensation.

Appendix A

Interests described in the table below

Employment, office, trade, profession or vocation

Any employment, office, trade, profession or vocation carried on for profit or gain by the member or their spouse or civil partner or by the persons with whom the member is living as if they were spouses/civil partners.

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 them in carrying out their duties as a member, or towards their 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.

Contract

Any contract made between the member or their 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 held by the member or by their spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners 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 their spouse/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) held by the member or by their spouse/civil partner or by the person with whom the member is living as if they were spouses/civil partners 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 in which the member, or their 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 held by the member or by their spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners 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 their 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 they are 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 their office.

Adopted by Council on xx/xx/xxxx
Reviewed by Council on xx/xx/xxxx