

HUMBERSTON PARISH COUNCIL COUNCIL

CODE OF CONDUCT

1. INTRODUCTION

- 1.1 This Code of Conduct ('Code') has been adopted by Humberston Parish Council Council ('Authority') as required by section 27 of the Localism Act 2011 ('Act').
- 1.2 The Authority has a statutory duty under the Act to promote and maintain high standards of conduct by its Members.
- 1.3 This Code is not intended to be an exhaustive list of all the obligations that are placed on Members. It is the responsibility of individual Members to comply with the provisions of the Code as well as such other legal obligations as may apply from time to time. Members should also comply with the following "Nolan" principles:

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

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.

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.

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.

2. WHO DOES THIS CODE APPLY TO AND WHEN DOES IT APPLY?

- 2.1 This Code applies to all Members of the Authority and to all co-opted Members of any committee, sub-committee or joint committee of the Authority.
- 2.2 This Code applies whenever a person is acting in his/her official capacity as a Member of the Authority or co-opted Member in the conduct of the Authority's business, or acting as a representative of the Authority, or otherwise purporting to act as a Member, including -
 - 2.2.1 at meetings of the Authority, its Committees and Sub-Committees, its Cabinet and Cabinet Committees
 - 2.2.2 when acting as a representative of the Authority
 - 2.2.3 in discharging their functions as a ward Councillor or as a member of the Cabinet
 - 2.2.4 at briefing meetings with officers
 - 2.2.5 at site visits
- 2.3 This code does not seek to regulate Members do in their purely private and personal lives.
- 2.4 The obligations set out in this Code are complementary to those which apply to all Members by virtue of the procedural rules and all related codes and protocols of the Council, set out in the Council's Constitution including, but not limited to:
 - the protocol on Member / Officer relations
 - the Members Planning Code of Good Practice
- 2.5 Any allegation received by the Authority that a Member has failed to comply with this Code will be dealt with under the Arrangements which the Authority has adopted for such purposes.

Public Duties of Members

3. Members have a duty to uphold the law, including the general law against discrimination and the requirements of the Localism Act, and to act on all occasions in accordance with the public trust placed in them.
4. Members have an overriding duty to act in the interests of the Council area as a whole, but also have a special duty to represent the views of the residents and communities of their ward.

Expectations of Conduct

5. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.
6. Members shall at all times ensure that their use of expenses, allowances, facilities and services provided from the public purse is strictly in accordance with the rules laid down on these matters, and that they observe any limits placed by the Council on the use of such expenses, allowances, facilities and services.
7. Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Council and never undertake any action which would bring the Council, or its Members or officers generally, into disrepute.

8. WHAT STANDARDS OF CONDUCT ARE MEMBERS EXPECTED TO OBSERVE?

Members shall in particular observe the following rules when acting as a Member or co-opted Member of the Council and Members are informed that you:

- (1) **Do** treat others with respect and courtesy.
- (2) **Do not** -
 - (a) do anything which may cause your Council to breach any of its the equality duties (in particular as set out in the Equality Act 2010);
 - (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 his or her Council's code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your Council.
- (3) **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; and
 - **Do** be aware of the requirements of the Bribery Act 2010 and that offences under the Act include the situation where a Member requests, agrees to receive or accepts a financial or other advantage intending that, in consequence, any function of a public nature, any activity connected with the Council or any activity to be performed by or on behalf of the Council or others should be performed improperly.
- (4) **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, except where -
 - a) you have the consent of a person authorised to give it;
 - b) you are 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—
 - i. reasonable and in the public interest; and
 - ii. made in good faith and in compliance with the reasonable requirements of the Council
- (5) **Do not** prevent another person from gaining access to information to which that person is entitled by law.
- (6) **Do not** conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.

Members shall observe the following rules when using the resources of the Council, or authorising the use of those resources by others:

- (7) **Do** act in accordance with the Council's reasonable requirements including the requirements of the Council's IT and information security

policies and the protocols referred to in this Code which you are deemed to have read ;

(8) Do act in accordance with the Council's procedural (and any relevant legal and constitutional) requirements regarding the use of and application for ward funding (or any equivalent schemes prevailing from time to time)

(9) Do make sure that such resources are not used improperly for political purposes (including party political purposes); and

(10) Do have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

(11) Do not improperly use knowledge gained solely as a result of your role as a member for the advancement of your own interests.

Members shall observe the following rules when making decisions on behalf of or as part of the Council, and Members are informed that you:

(12) Do have regard to any relevant advice provided to you by the Council's Monitoring Officer and Section 151 (Chief Finance) Officer where such advice is offered pursuant to his or her statutory duties.

(13) Do give reasons for the decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

9. DISCLOSABLE PECUNIARY INTERESTS ('DPI')

9.1 You have a Disclosable Pecuniary Interest (DPI) in any business of the Authority if that interest falls under any of the descriptions at Appendix 1 of this Code.

Disclosure Requirement

9.2 You must, within 28 days of 1st July 2012 or of taking office as a Member or co-opted Member (where that is later), notify the Authority's Monitoring Officer of any DPI as defined in Regulations made by the Secretary of State and set out in Appendix 1 of this Code, where the DPI is yours or your partner's (which means spouse or civil partner, a person with whom you are living with as husband or wife or a person with whom you are living with as civil partners). You must also notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your DPI's.

9.3 You must make verbal declaration of the existence and nature of any DPI at any meeting of the Authority at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business

or as soon as the interest becomes apparent. Where the interest is deemed a “sensitive interest” (see paragraph 9.5), you need only declare the existence of the DPI but not the detail.

9.4 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 DPI in any matter to be considered or being considered at the meeting, unless a dispensation has been granted,

9.4.1 you must not participate in any discussion of the matter at the meeting.

9.4.2 you must not participate in any vote taken on the matter at the meeting.

9.4.3 you must withdraw from the chamber whilst the matter is being discussed and voted on.

9.4.4 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.

Sensitive Interest

9.5 Where you consider that disclosure of the details of a DPI 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 DPI, the details of which are withheld under Section 32(2) of the Act.

10. CRIMINAL SANCTIONS RELATING TO DISCLOSABLE PECUNIARY INTERESTS

10.1 A Member commits a criminal offence if, without reasonable excuse, s/he -

10.1.1 fails to notify the Monitoring Officer of any DPI within 28 days of election;

10.1.2 fails to disclose a DPI at a meeting if it is not on the register;

10.1.3 fails to notify the Monitoring Officer within 28 days of a DPI that is not on the register that you have disclosed to a meeting;

10.1.3 participates in any discussion or vote on a matter in which you have a DPI (including taking a decision as a Cabinet Member acting alone);

10.1.4 as a Cabinet Member discharging a function acting alone, and having a DPI in such a matter, fails to notify the Monitoring Officer within 28 days of the interest; and

10.1.5 knowingly or recklessly provides information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such an interest to a meeting

10.2 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 a maximum of 5 years.

11. PERSONAL INTERESTS

11.1 You have a personal interest in any business of the Authority where either it relates to or is likely to affect -

11.1.1 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 the Authority;

11.1.2 any body -

exercising functions of a public nature;

directed to charitable purposes; or

one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management.

11.1.3 the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25.

11.2 You have a personal interest in any business of the 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, as the case may be, affected by the decision, or relates to or is likely to affect any interests you have registered as a DPI.

11.3 A *relevant person* is -

11.3.1 a member of your family or any person with whom you have a close association; or

11.3.2 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;

11.3.3 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

11.3.4 any body of a type described in sub-paragraph 11.1.1 and 11.1.2.

Disclosure Requirement

11.4 If you have a personal interest as defined in paragraph 11.1, you must, within 28 days of 1st July 2012 or of taking office as a Member or co-opted Member (where that is later), notify the Authority's Monitoring Officer in writing of such interest. You must also notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your personal interests defined in paragraphs 11.1.

11.5 Subject to paragraph 11.6, you must make a verbal declaration of the existence and nature of any personal interest you have under this paragraph, at any meeting of the Authority at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent. Where the interest is deemed a "sensitive interest", you need only declare the existence of the interest but not the detail.

11.6 Where you have a personal interest in any business of the Authority which relates to or is likely to affect a body defined in paragraphs 11.1.1 and 11.1.2 you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

11.7 Having disclosed a personal interest and providing it is not a prejudicial interest, you may still continue to participate and vote on the matter at that meeting.

11.8 Where you have a personal interest in any business of the Authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

12. PREJUDICIAL INTERESTS

12.1 Where you have a personal interest in any business of the 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 (unless the matter falls within one of the exempt categories detailed in paragraph 8) and where that business -

12.1.1 affects your financial position or the financial position of a person or body described in paragraph 11.3

12.1.2 relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 11.3.

Disclosure Requirement

12.2 Subject to paragraph 12.3, where you have a prejudicial interest in any business of the Authority, you must make verbal declaration of the existence and nature of such interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent and, unless a dispensation has been granted, -

12.2.1 you must not participate in any discussion of the matter at the meeting.

12.2.2 you must not participate in any vote taken on the matter at the meeting.

12.2.3 you must, unless paragraph 12.3 applies, withdraw from the chamber whilst the matter is being discussed and voted on.

12.3 Where you have a prejudicial interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

12.4 Where, as a Cabinet member, you may discharge a function alone, and you become aware of a prejudicial interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

13. EXEMPT CATEGORIES

13.1 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of the Authority in respect of -

13.1.1 housing, where you are a tenant of the Authority provided that those functions do not relate particularly to your tenancy or lease;

13.1.2 school meals or school transport and travelling expenses, 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;

13.1.3 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;

13.1.4 an allowance, payment or indemnity given to Members;

13.1.5 any ceremonial honour given to Members; and

13.1.6 setting council tax or a precept under the Local Government Finance Act 1992.

14. **SCRUTINY COMMITTEES (aka SCRUTINY PANELS)**

14.1 In any business before an overview and scrutiny committee of the Authority (or of a sub-committee of such a committee) where –

14.1.1 that business relates to a decision made (whether implemented or not) or action taken by an executive or another of the Authority's committees, sub committees, joint committees or joint sub-committees; and

14.1.2 at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph 14.1.1 and you were present when that decision was made or action was taken, you may only attend a meeting of the overview and scrutiny committee for the purpose of answering questions or giving evidence relating to the business, and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

15. **REGISTER OF INTERESTS**

15.1 Any interests notified to the Monitoring Officer will be included in the register of members' interests. A copy of this register will be available for public inspection and will be published on the Authority's web site.

- 15.2 For the purposes of this Code a DPI is the subject of a 'pending notification' where it has been notified to the Authority's Monitoring Officer but has not yet been entered in the register of interests in consequence of that notification.

APPENDIX 1

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 following descriptions:

<u>Interest</u>	<u>Description</u>
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 relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. 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 which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority - (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 relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of

the relevant authority for a month or longer.

Corporate tenancies

Any tenancy where (to M's knowledge) -

- (a) the landlord is the relevant authority; and
- (b) the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where -

- (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; 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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on interests are subject to the following definitions;

"the Act" means the Localism Act 2011;

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

"director" includes a member of the committee of management of an industrial and provident society;

"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

"M" means a member of a relevant authority;

"member" includes a co-opted member;

"relevant authority" means the authority of which M is a member;

"relevant period" means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

"relevant person" means M or any other person referred to in section 30(3)(b) of the Act;

"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.