

## **STOKESBY WITH HERRINGBY PARISH COUNCIL CODE OF CONDUCT**

This Code of Conduct is a key part of the Stokesby with Herringby Parish Council. It is to be used at all times at the Parish Council meetings, including surgeries, committees, sub-committees and groups which meet as part of the Parish Council. It applies to all members of the Parish Council including co-opted members.

1. A member must observe the Parish Council's Code of Conduct whenever he/she conducts business on behalf of the Parish Council or acts as a representative of the Parish Council. Where a member acts as a representative of the Parish Council with another relevant authority, he/she must, when acting for that other authority, comply with that other authority's Code of Conduct or on any other body, he/she must, when acting for that other body, comply with that Council's Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
2. A member must treat all others with respect and must be as polite as possible when dealing with residents or other members of the public.
  - (a) A member must not do anything which may seriously prejudice the Parish Council's ability to comply with any of its statutory duties under the equality enactments.
  - (b) A member must not bully any other person either verbally or physically
  - (c) A member must not in his/her capacity intimidate or attempt to intimidate any person who is or is likely to be a complainant, witness or supporting the administration of any investigation or proceedings in relation to an allegation that a member has failed to comply with the Parish Council's Code of Conduct.
  - (d) A member must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Parish Council.
3. A member must not under any circumstances disclose information given to him/her in confidence by anyone, or information acquired which he/she believes is of a confidential nature unless consent is given by an authorised person or is required to do so by law.
4. (1) A member must not in his/her official capacity, or any other circumstance, conduct himself/herself in a manner which could reasonably be regarded as bringing his/her office or the Council into disrepute.  
  
(2) A member must not bring their office or authority into disrepute by conduct which is a criminal offence. (A 'Criminal offence' is defined as any criminal offence for which the member has been convicted in a criminal court, but not a fixed penalty offence). A criminal conviction resulting in a custodial sentence of more than three months automatically results in a five year disqualification.
5. (a) A member must not in his/her official capacity, use or attempt to use his/her position as a member improperly to confer on or secure for himself/herself or any other person, an advantage or disadvantage.  
  
(b) A member must, when using or authorising the use of others of the Parish Council's resources, act in accordance with the Parish Council's requirements, ensure that such resources are not used improperly for political purpose and must have regard to any Local Authority Code of Publicity.
6. A member must, when reaching decisions, have regard of any relevant advice provided to him/her by the Parish Council's Responsible Financial Officer, Monitoring Officer or fellow Parish Councillors.

## **PART 2 – INTERESTS**

### **1. Disclosable Pecuniary Interests**

- 1.1 You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State ( as set out in the Appendix A) and either:
  - (a) it is an interest of yours, or
  - (b) 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 other person has the interest.
- 2.2 You must –
  - 2.2.1 comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest
  - 2.2.2 ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests
  - 2.2.3 make a verbal declaration of the existence and nature of any disclosable pecuniary 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
  - 2.2.4 Where you have a disclosable pecuniary interest, whether the interest is registered or not, you must not (unless you have obtained a dispensation)
    - (i) participate, or participate further, in any discussion of the matter at the meeting; or
    - (ii) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting.

### **2. Other Interests**

- 2.1 In addition to the requirements of Paragraph 4, if you attend a meeting at which any item of business is to be considered and you are aware that you have a “nondisclosable pecuniary interest or non-pecuniary interest” in that item, as described in Appendix B, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.

### **3. Dispensations**

- 3.1 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 he/she has 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.

### **4. Gifts and Hospitality**

- 4.1 You must, within 28 days of receipt, notify the Parish Clerk in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a Member from any person or body other than the authority.
- 4.2 The Parish Clerk will place your notification on a public register of gifts and hospitality.

### **5. Complaints that a Parish Councillor has breached the Code**

- 5.1 Complaints will be considered by the Assessment Sub Committee of the Council’s Standards Committee (made up of three independent Members, three (non-voting) Parish Members and five Borough Members) prior to:
  - Referring the complaint to the Monitoring Officer for investigation

- Referring the complaint to the Standards Board for England
- Referring the complaint to the Monitoring Officer for other action
- Deciding to take no action.

### **PART 3 - REGISTRATION OF MEMBERS' INTERESTS**

#### **1. Registration of Member's Interests**

- 1.1 (1) Subject to paragraph (12), a member must, within 28 days of:-
- (i) The provisions of the Council's Code of Conduct being adopted or applied;
  - or
  - (ii) the member's election or appointment to office (where that is later),

register in the Council's register of member's interests (maintained under Section 30 of the Localism Act 2011 any personal interest of the type mentioned in paragraph 7(a) or (b), by providing written notification to the Council's monitoring officer.

(2) Subject to paragraph 12, a member must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to the Council's monitoring officer.

#### **2. Sensitive Information**

- 2.1 (1) Where a member considers that the information relating to any of his/her personal interests is sensitive information and the Council's monitoring officer agrees, the member need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 11.

(2) A member must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify the Council's monitoring officer asking that the information be included in the Council's register of member's interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that the member or a person who lives with the member may be subjected to violence or intimidation.

### **Disclosable Pecuniary Interests**

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

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.*

*For this purpose –*

*“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 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.

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 he/she is 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 his or her office.