

Chirton & Conock Parish Council

Members' Code of Conduct

Introduction

Pursuant to section 27 of the Localism Act 2011, Chirton & Conock 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. All councillors agree to comply with this code of conduct.

This Code of Conduct is based on the seven principles of public life, also known as the Nolan Principles.

Selflessness – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Integrity – members must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Honesty - members should be truthful. They should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Objectivity – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Accountability – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness – members should be as open as possible about their actions and those of their authority and should be prepared to give reasons for those actions.

Leadership – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

Application of the Code of Conduct

This Code of Conduct applies to all members as soon as they sign their declaration of acceptance of the office of councillor or attend their first meeting as a co-opted member, and continues to apply to all members until they cease to be a councillor.

The Code applies to all forms of communication and interaction, including face-to-face, online or telephone meetings, written, verbal or non-verbal communication, electronic and social media communication, posts, statements and comments.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint 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 or sub-committee.

For the purposes of this Code, a ‘meeting’ is a meeting of the Council, any of its committees, sub-committees, joint 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. He/she shall behave in such a way that a reasonable person would regard as respectful in behaviour, speech and in the written word. A member can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner, but not subject individuals, groups of people or organisations to personal attack. Councillors have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening, members are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police.
2. He/she shall not act in a way which a reasonable person would regard as bullying, intimidatory or harassment. He/she should promote equalities and not discriminate unlawfully against any person. Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

3. He/she shall not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority. Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality.
4. He/she shall not disclose information which is confidential or where disclosure is prohibited by law, unless
 - (i). 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
 - (ii) the disclosure is:
 1. reasonable and in the public interest; and
 2. made in good faith and in compliance with the reasonable requirements of the local authority; and
 3. the Parish Clerk has been consulted prior to its release.

Neither shall he/she improperly use knowledge gained solely as a result of their role as a councillor for the advancement of themselves, friends, family members, employers or their own business interests. Councillors should also not prevent anyone from getting information that they are entitled to by law.

5. He/she shall not bring the role or local authority into disrepute.
6. He/she shall not attempt to use their position improperly to the advantage or disadvantage of themselves or anyone else.
7. He/she shall not misuse the resources of the Council and only use them in accordance with its requirements.
8. He/she shall not accept gifts or hospitality, irrespective of estimated value, which could give rise to:

a real or substantive personal gain

a reasonable suspicion of influence on the member's part, to show favour from persons seeking to acquire, develop or do business with the local authority, or from persons who may apply to the local authority for any permission, licence or other significant advantage.

Any gift or hospitality with an estimated value of at least £50 should be registered with the Parish Clerk within 28 days of its receipt.

Any significant gift or hospitality that has been offered and refused, should be registered with the Parish Clerk.

Registration of interests

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority. It should be noted

that failure to register or disclose a disclosable pecuniary interest as set out in Appendix A, is a criminal offence under the Localism Act 2011. It is the members' responsibility to ensure that all information is correct at all times.

Interests need to be registered so that the public, local authority employees and fellow councillors know which interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects members by allowing them to demonstrate openness and a willingness to be held accountable. Members are personally responsible for deciding whether or not they should disclose an interest in a meeting, but it can be helpful for members to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by any councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained. Members should seek advice on any aspects of this Code of Conduct and register interests, in the first instance, with the Parish Clerk. All members must ensure that their interests appear on the Wiltshire Council Town and Parish Council Register of Interests.

9. 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), he/she shall register with the Parish Clerk the interests which fall within the categories set out in Appendices A and B.
10. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register with the Parish Clerk any interests in Appendices A and B.
11. A member shall register with the Parish Clerk any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.
12. A member need only declare the existence but not the details of any interest which the Parish Clerk 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. Where a member has a 'sensitive interest' they must notify the Parish Clerk with the reasons why they believe it is a sensitive interest. The Parish Clerk may liaise with the Monitoring Officer, and if agreed, they will withhold the interest from the public register.

Declaration of interests at meetings

13. Where a matter arises at a meeting which relates to an interest in Appendix A members must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless members have been granted a dispensation. If it is a 'sensitive interest', members do not have to disclose the nature of the interest, just that they have an interest. Dispensation may be granted in limited circumstances, to enable members to participate and vote on a matter in which they have a disclosable pecuniary interest.

14. Where a matter arises at a meeting which directly relates to one of the interests as set out in Appendix B, members must disclose the interest. Members may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation. If it is a 'sensitive interest', members do not have to disclose the nature of the interest.
15. Where a matter arises at a meeting which **directly** relates to a financial interest or well-being of a member, friend, relative or close associate (and is not a Disclosable Pecuniary Interest set out in Appendix A, the member must disclose the interest. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting, but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation. If it is a 'sensitive interest', the member shall declare the interest but not the nature of the interest.
16. Where a matter arises at a meeting which **affects** -
 - a. a member's own financial interest or well-being;
 - b. a financial interest or well-being of a friend, relative, close associate or
 - c. a body included in those which need to be disclosed under Disclosable Pecuniary Interests as set out in Appendix A,

members must disclose the interest. In order to determine whether he/she can remain in the meeting after disclosing their interest, the following test should be applied

Where a matter affects members' financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect their view of the wider public interest.

Members may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter, and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', members do not have to disclose the nature of the interest.

17. Where members have a personal interest in any business of the authority and they have made an executive decision in relation to that business, members must make sure that any written statement of that decision records the existence and nature of their interest.

Dispensations

18. 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.

Appendix A: Disclosable Pecuniary Interests

This appendix sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her 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.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the 23.12.2020 Page 14 of 17 councillor 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 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 councillor or his/her spouse or civil partner or the person with whom the councillor 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) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor 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 in securities* of a body where— (a) that body (to the councillor'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 councillor, or his/ her spouse or civil partner or the person with whom the councillor 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: Other Registerable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which members are in general control or management and to which he/she is nominated or appointed by their authority
- b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on Local Government Ethical Standards. If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

This Code of Conduct was approved and adopted by Chirton & Conock Parish Council at a full Parish Council Meeting held on 17th May 2021.

Signed:Chairman
D Harmes