

# PITSTONE PARISH COUNCIL

## Code of Conduct for Members

### INTRODUCTION

Pursuant to section 27 of the Localism Act 2011, Pitstone 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 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.

### 1. APPLICATION

This Code of Conduct applies to you whenever you are acting in your capacity as a member of Pitstone Parish Council, including:

- at formal meetings of the Council, its Committees and Sub-Committees, its Cabinet and Cabinet Committees
- when acting as a representative of the authority
- in taking any decision as a Councillor
- in discharging your functions as a Councillor
- at briefing meetings with officers
- at site visits
- when corresponding with the authority other than in a private capacity

### 2. GENERAL CONDUCT

You must:

- provide leadership to the authority and communities within its area, by personal example.
- respect others and not bully any person.
- recognise that officers (other than political assistants) are employed by and serve the whole authority.
- respect the confidentiality of information which you receive as a member:
  - not disclosing confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so; and
  - not obstructing third parties' legal rights of access to information
- not misconduct yourself in a manner which is likely to bring the authority into disrepute.
- use your position as a member in the public interest and not for personal advantage.

- accord with the authority's reasonable rules on the use of public resources for private and political purposes.
- exercise your own independent judgement, taking decisions for good and substantial reasons:
  - attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups
  - paying due regard to the advice of officers, and in particular to the advice of the statutory officers,
  - stating the reasons for your decisions where those reasons are not otherwise apparent.
- account for your actions, particularly by supporting the authority's scrutiny function.
- ensure that the authority acts within the law.

### **3. REGISTRATION OF INTERESTS**

1. 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 Monitoring Officer the interests which fall within the categories set out in Appendices A and B.
2. Upon re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B.
3. 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.
4. 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.

### **4. DECLARATION OF INTERESTS AT MEETINGS**

These requirements apply equally to a defined meeting or to the other situations described under "application" in point 1. The term 'meeting' is used here in the wider context.

1. You must make a verbal declaration of the existence and nature of any disclosable pecuniary interest or other 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. Where a matter arises at a meeting which relates to an interest in Appendix A the member shall withdraw and not participate in a discussion or vote on the matter. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it.
3. Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall withdraw and 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 he/she has an interest but not the nature of it.
4. Where a matter arises at a meeting which relates to an interest in Appendix B or other interest listed below in Section 5, the member shall not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting and shall have the same terms applied as to the public.

## 5. OTHER INTERESTS

- 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 “non-disclosable pecuniary interest or non-pecuniary interest”, or any other interest in that item, 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.
- If the member holds a sensitive interest in Appendix B which has not already been disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.
- You have a “non-disclosable pecuniary interest or non-pecuniary interest” in an item of business of your authority where:
  - a decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Taxpayers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority’s administrative area, or
  - it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code, but in respect of a member of your family (other than a “relevant person”), a friend, or a person with whom you have a close association, and that interest is not a disclosable pecuniary interest.

## 6. GIFTS AND HOSPITALITY

- You must, within 28 days of receipt, notify the Monitoring Officer 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.
- The Monitoring Officer will place your notification on a public register of gifts and hospitality.
- This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.

## 7. DISPENSATIONS

- Dispensation may be granted by the parish council on written application by members on the following grounds:
- So many members have DPIs that it would impede the transaction of business.
  - Without the dispensation, every member of the council would have a DPI prohibition from participating e.g., when setting council tax/precept.
  - Where granting the dispensation would be in the interests of the inhabitants of the area e.g., if we nominate a councillor to an external committee and still need the benefit of that knowledge back in the council.
  - It is otherwise appropriate to grant the dispensation.
- In line with Standing Order 13e a decision as to whether to grant a dispensation shall be made by a meeting of the council, or committee or sub-committee for which the dispensation is required, and that decision is final. A dispensation may be granted to permit the affected councillor(s) to (a) contribute to the discussion relating to the agenda item or (b) contribute to the discussion and vote on the matter, if appropriate.
- The following Standing Dispensations have been adopted and will remain in place until the next election unless otherwise resolved:
  - Where there is an interest common to the majority of inhabitants of the parish

- Where an interest is so remote that it is not likely to prejudice your judgement of the public interest
- When setting the council tax/precept
- Interests arising from posts within the authority.
- Interests arising from membership of a body to which the authority has appointed or proposes to appoint you (where dispensation exists to discuss but not vote)

## **8. REVIEW**

This Code of Conduct was adopted by Pitstone Parish Council on ...20/5/21..... Minute Ref: ...45/21.....

and will be reviewed at least annually.

*D Nicholls*

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Chairman

## Appendix A

### 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 –

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession, or vacation	Any employment, office, trade, profession, or vocation carried on for profit or gain by the member or other relevant person.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the member or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, 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 which is made between the relevant person (or a body in which the relevant person has a beneficial interest) 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 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.

## Appendix B

### Pecuniary Interests

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.