

# KEWSTOKE PARISH COUNCIL

## MEMBERS' CODE OF CONDUCT



Kewstoke Parish Council

*Here to protect the Rural Character and Environment of the Village and to promote Kewstoke as a pleasant place to live*

# KEWSTOKE PARISH COUNCIL

## CODE OF CONDUCT FOR MEMBERS

### 1.0 INTRODUCTION

- 1.1 This Code applies to every Member of Kewstoke Parish Council when that Member acts in their role as a Member. It is each Member's responsibility to comply with the provisions of this Code.
- 1.2 Each Member is a representative of Kewstoke Parish Council and the public will view that Member as such, and therefore, a Member's actions impact upon the Council as a whole and its reputation; a Member's actions can have both positive and negative impacts on the Councils.
- 1.3 This Code of Conduct is based upon the 'Nolan Principles - The Seven Principles of Public Life', which are set out at paragraph 2.0, and also encompasses the legislative framework of the Localism Act 2011, where provision is made by the Secretary of State for criminal sanctions to apply in certain circumstances.

### 2.0 THE NOLAN PRINCIPLES: SEVEN PRINCIPLES OF PUBLIC LIFE

- 2.1 **Selflessness:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
- 2.2 **Integrity:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- 2.3 **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.
- 2.4 **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.
- 2.5 **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 it.
- 2.6 **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.

2.7 **Leadership:** Holders of public office should promote and support these principles by leadership and example.

### **3.0 INTERPRETATION**

In this Code -

3.1 'Meeting' means any meeting of:

- The Full Council;
- Any Committee, Sub-Committee of the Council; Working Group and
- Any other meeting involving Members and/or Officers and/or the public,

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of Members.

3.2 'Member' includes a Co-opted Member (voting and non-voting), an Elected Member and an appointed Member.

### **4.0 SCOPE AND GENERAL OBLIGATIONS**

#### **4.1 Scope**

4.1.1 This Code applies to all Members of Kewstoke Parish Council.

4.1.2 It is each individual Member's responsibility to comply with the provisions of this Code.

4.1.3 The Code applies whenever a Member:

- Conducts the business of Kewstoke Parish Council; or
- Acts, claims to act, or gives the impression they are acting, as a representative of Kewstoke Parish Council, or in their official capacity as a Member of Kewstoke Parish Council.

4.1.4 Where a Member acts as a representative of Kewstoke Parish Council:

- on any other body, they must, when acting for that other body, comply with Kewstoke Parish Council's Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

#### **4.2 General Obligations**

4.2.1 When acting as a Member of Kewstoke Parish Council a Member must:

- (a) Treat others with respect;
- (b) Not conduct themselves in a manner which is contrary to the Council's

duty to promote and maintain high standards of conduct of Members;

(c) Ensure that they are aware of and comply with the requirements that the Bribery Act 2010 places on a Member and on the Council as a whole;

(d) Not disclose the information given to them in confidence by anyone, or information acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, except where:

- (i) they have the consent of a person authorised to give it;
- (ii) they are required by law to do so;
- (iii) 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
- (iv) the disclosure is:
  - (aa) reasonable and in the public interest; and
  - (bb) made in good faith and in compliance with the reasonable requirements of the Council; and
  - (cc) they have consulted the Monitoring Officer prior to its release;

(e) Not prevent another person from gaining access to information to which that person is entitled by law;

(f) Not conduct themselves in a manner which is contrary to the Council's duty under the equalities legislation.

4.2.2 When using, or authorising the use by others, of the resources of Kewstoke Parish Council, a Member must:

(a) Act in accordance with the Council's reasonable requirements, procedures, policy and Constitution, including the requirements of the Council's Internet and Email Policy;

(b) Make sure that such resources are not used improperly for political purposes (including party political purposes); and

(c) Have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986, and the Protocol on the PreElection period.

## **5.0 DISCLOSABLE PECUNIARY INTERESTS UNDER THE LOCALISM ACT 2011**

Disclosable Pecuniary Interests (DPI's) and their application are governed by the Localism Act 2011.

### **5.1 Notification of Disclosable Pecuniary Interests**

5.1.1 Within 28 days of becoming a Member, each Member must notify the Monitoring Officer of any disclosable pecuniary interests they may have.

5.1.2 A 'disclosable pecuniary interest' is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife or a person with whom they are living as if they are civil partners) within the description at Appendix 1 of this Code of Conduct.

## **5.2 Register of Interests**

5.2.1 Any interests notified to the Monitoring Officer will be included in the Register of Interests. A copy of the Register will be available for public inspection and will be published on the Councils' website.

## **5.3 Sensitive Interests**

5.3.1 Where a Member considers that disclosure of the details of a disclosable pecuniary interest on a copy of the Register made available for inspection and published, could lead to them, or a person connected with them, being subject to violence or intimidation, then copies of the Register that are available for inspection and any published version of the Register will exclude details of the interest, but state that the Member has a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.

## **5.4 Non-Participation in Case of Disclosable Pecuniary Interest**

5.4.1 If a Member is present at a meeting of Kewstoke Parish Council or any Committee or Sub-Committee of the Council and has a disclosable pecuniary interest in any matter to be considered or being considered at the meeting:

- (a) That Member may not participate in any discussion of the matter at the meeting; and
- (b) That Member may not participate in any vote taken on the matter at the meeting; and
- (c) If the interest is not registered, the Member must disclose the interest in the meeting; and
- (d) If the interest is not registered and is not the subject of a pending notification, the Member must notify the Monitoring Officer of the interest within 28 days of the meeting.

5.4.2 In addition, the Member is required to leave the room where the meeting is held while any discussion or voting takes place.

5.4.3 Where a Member has a disclosable pecuniary interest in any business of the Council, they may attend that 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 the Member leaves the room where the meeting is held immediately after making representations, answering questions or giving evidence, prior to any debate, discussion or vote on the matter.

## **5.5 Dispensations**

5.5.1 The Proper Officer may grant a Member a dispensation, but only in limited circumstances, to enable them to participate and vote on a matter in which they have a disclosable pecuniary interest.

## **5.6 Offences**

5.6.1 It is a criminal offence to:

- (a) Fail to notify the Monitoring Officer of any disclosable pecuniary interests within 28 days of a Member's election;
- (b) Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- (c) Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the Register that they have disclosed to a meeting;
- (d) Participate in any discussion or vote on a matter in which a Member has a disclosable pecuniary interest;
- (e) As a Member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest; and
- (f) Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

5.6.2 The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale (£5,000) and disqualification from being a Councillor for up to 5 years.

## **6.0 OTHER INTERESTS: PERSONAL AND PECUNIARY**

### **6.1 Notification of Other Interests**

6.1.1 In addition to the disclosable pecuniary interests notifiable under the Localism Act 2011 as set out in Paragraph 5 above, a Member must, within 28 days of:

- (a) this Code being adopted by or applied to your Council; or
- (b) that Member's election or appointment to office (where that is later),

notify the Monitoring Officer in writing of the details of their other personal and pecuniary interests where they fall within the following descriptions, for inclusion in the Register of Interests.

6.1.2 A Member must, within 28 days of becoming aware of any new interest or change of any interest, notify the Monitoring Officer of the details of that new interest or change.

## **6.2 Personal Interests**

6.2.1 A Member has a personal interest in any business of the Council where that business:

- (a) relates to, or is likely to affect, any body of which they are a Member or in a position of general control or management and to which they are appointed or nominated by the Council;
- (b) relates to, or is likely to affect, any body:
  - (i) exercising functions of a public nature;
  - (ii) directed to charitable purposes; or
  - (iii) one of whose principle purposes includes the influence of public opinion or policy (including any political party or trade union) of which they are a member or in a position of general control or management.

6.2.2 A Member also has a personal interest in any business of the Council where a decision in relation to that business might reasonably be regarded as affecting their wellbeing or financial position or the wellbeing or financial position of a relevant person to a greater extent than the majority of other council tax payers, rate payers or inhabitants of the Ward affected by the decision.

6.2.3 A relevant person is:

- (a) A member of their family or any person with whom they have a close association; or
- (b) Any person or body who employs or has appointed such persons defined in paragraph 6.2.3(a) above, any firm in which such persons are a partner, or any company of which they are directors;
- (c) Any person or body in whom such persons defined in paragraph 6.2.3(a) above, have a beneficial interest in a class of securities exceeding the nominal value of £25,000 or 1% of the total of that class of securities.

## **6.3 Pecuniary Interests**

6.3.1 Where a Member has a personal interest in any business of your Council, they also have a pecuniary 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 the Member's judgement of the public interest and where that business:

- (a) affects the Member's financial position or the financial position of a person

or body described in paragraph 6.2.2 above; or

(b) relates to the determining of any approval, consent, licence, permission or registration in relation to them or any person or body described in paragraph 6.2.2 above.

#### **6.4 Disclosure and Non-Participation**

6.4.1 Where a Member has a personal interest described in paragraph 6.2 above, which relates to themselves, in any business of the Council and where they are aware or ought reasonably to be aware of the existence of the personal interest and they attend a meeting of the Council at which the business is considered, they must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

6.4.2 Where a Member has a personal interest in any business of their Authority which relates to or is likely to affect a relevant person as described in paragraph 6.2.2, they need only disclose to the meeting the existence and nature of that interest when they address the meeting on that business.

6.4.3 Where a Member has a personal interest, but by virtue of paragraph 6.6, sensitive information relating to it is not registered in their Council's Register of Members' Interests, they must indicate to the meeting that they have a personal interest, but need not disclose the sensitive information to the meeting.

6.4.4 Where a Member has a personal interest in any business of their Council and they have made an Executive Decision in relation to that business, they must ensure that any written statement of that decision records the existence and nature of that interest.

6.4.5 Subject to paragraphs 6.4.7 and 6.4.8 below, where a Member has a pecuniary interest in any business of the Council:

- (a) they may not participate in any discussion of the matter at the meeting;
- (b) they may not participate in any vote taken on the matter at the meeting;
- (c) if the interest is not registered, they must disclose the interest at the meeting; and
- (d) if the interest is not registered and is not the subject of a pending notification, they must notify the Monitoring Officer of the interest within 28 days.

6.4.6 In addition, they are to leave the room where the meeting is held while any discussion or voting takes place.

6.4.7 Where a Member has a pecuniary interest in any business of the Authority, they 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 statutory right or



otherwise, and they leave the room where the meeting is held immediately after making representations, answering questions and/or giving evidence.

6.4.8 Subject to a Member disclosing the interests at the meeting, they may attend a meeting and vote on a matter where they have a pecuniary interest that relates to the functions of the Council in respect of:

- (a) Housing, where they are a tenant of your Council, provided that those functions do not relate particularly to their tenancy or lease;
- (b) Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where they are in receipt of, or are entitled to, the receipt of such pay;
- (c) An allowance, payment or indemnity given to Members;
- (d) Any ceremonial honour given to Members; and
- (e) Setting Council Tax or a precept under the Local Government Finance Act

1972.

## **6.5 Register of Interests**

6.5.1 Any other interests notified to the Monitoring Officer will be included in the Register of Interests. A copy of the Register will be available for public inspection and will be published on the Council's website.

## **6.6 Sensitive Interests**

6.6.1 Where a Member considers that disclosure of the details of a personal or disclosable pecuniary interest on a copy of the Register made available for inspection and published, could lead to them, or a person connected with them, being subject to violence or intimidation, then copies of the Register that are available for inspection and any published version of the Register will exclude details of the interest, but state that the Member has a personal or disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.

## **6.7 Predetermination or Bias**

6.8.1 Where a Member has been involved in campaigning in their political role on an issue which does not impact on their personal and/or professional life, they should not be prohibited from participating in a decision in their political role as a Member. However, they must not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

6.8.2 When making a decision, a Member should consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

## **6.9 Compliance with Constitution, Rules, Standards and Guidance**

6.9.1 Failure to comply with the requirements of the Council's rules, protocols, corporate standards or guidance issued to them shall be deemed to be a breach of this Code.

## **7.0 REGISTRATION OF GIFTS AND HOSPITALITY**

7.1 To preserve public confidence, Members are strongly encouraged not to accept any gifts from customers or contractors. It may constitute a serious criminal offence for a Member to corruptly receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything, or showing favour or disfavour to any person, in their official capacity.

7.2 If a Member does accept any gift, of any value, they must comply with the Council's requirements to register or declare interests. If a Member does accept any hospitality, or other benefit, by virtue of being a Member, they must comply with the Council's requirements to register such hospitality, regardless of value. Any such gift or hospitality received must be registered within 28 days of receipt. Such declaration and registration should be made to the Clerk for inclusion in the register held by the Clerk.

7.3 It is good practice for a Member to declare any offers of gifts, hospitality or other benefit, received, even if not accepted.

## Disclosable Pecuniary Interests under the Localism Act 2011

Interests	Description
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 Council) 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 Council: <p style="margin-left: 40px;">(a) Under which goods or services are to be provided or works are to be executed; and</p> <p style="margin-left: 40px;">(b) Which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant Council.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant Council for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge): <p style="margin-left: 40px;">(a) The landlord is the relevant Council; and</p> <p style="margin-left: 40px;">(b) The tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	Any beneficial interest in securities of a body where: <p style="margin-left: 40px;">(a) That body (to M's knowledge) has a place of business or land in the area of the relevant Council; and</p> <p style="margin-left: 40px;">(b) Either:</p>

	<p>(i) The total nominal value of the securities exceeds £25,000 or 100<sup>th</sup> of the total issued share capital of that body; or</p> <p>(ii) If the share capital of that body is of more</p>
	<p>than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds 100<sup>th</sup> of the total issue share capital of that class.</p>

These descriptions on interests are subject to the following definitions:

- (a) '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;
- (b) 'Director': includes a member of the committee of management of an industrial and provident society;
- (c) 'Land': includes 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;
- (d) 'M': means the Member;
- (e) 'Member': includes a Co-opted Member;
- (f) 'Relevant Council': means the Council of which M is a Member;
- (g) '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) of the Localism Act 2011;
- (h) 'Relevant Person': means M or any other person referred to in Section 30(3)(b) of the Localism Act 2011; and
- (i) 'Securities': means shares, debentures, debenture stock, loans, 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.