FORDHAM PARISH COUNCIL

MEMBERS CODE OF CONDUCT

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The Members' Code of Conduct is intended to promote high standards of behaviour amongst the elected and co-opted Members of the council.

The Code is underpinned by the following principles of public life[1], which should borne in mind when interpreting the meaning of the Code:-

Selflessness	Holders of public office should act solely in terms of the public interest.
Integrity	Holders of public office 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 declare and resolve any interests and relationships.
Objectivity	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
Accountability	Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
Openness	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
Honesty	Holders of public office should be truthful.
Leadership	Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

[1] Revised principles updated by the Committee on Standards in Public Life, January 2013, chpt 3, following Full Council decision 11/07/13

PART 1
GENERAL PROVISIONS

1. INTRODUCTION AND INTERPRETATION

1.1 This Code applies to **you** as a Member of Fordham Parish Council ('FPC').

1.2 The term "**the Authority**" used in this Code refers to FPC.

1.3 "**Member**" means any person being an elected or co-opted Member of the Authority.

1.4 It is **your** responsibility to comply with the provisions of this Code.

1.5 Definitions: In this Code –

"**Disclosable Pecuniary Interest"**	means the description of interests specified in Regulations made by the Secretary of State (set out in Appendix A).
"**Dispensation"**	means a exemption from an obligation or rule, granted by or as if by the Authority by the Proper Officer under section 33 Localism Act 2011, in respect to of Disclosable Pecuniary Interests, or under s1 Localism Act 2011 in respect of Prejudicial Interests, on the grounds set out in Appendix B.
"**Meeting**"	means any Meeting of:- a) The Authority; b) Any Meetings with the Council's officers; c) Any of the Authority's Committees, sub-committees, joint committees, joint sub-committees, or area committees; d) Any site visits to do the business of the Authority; e) Any of the Authority's advisory groups and, working parties and panels.
"**Personal Interest"**	means the description of non-disclosable pecuniary interest or non-pecuniary interest specified in paragraph 10.
"Prejudicial Interest"	means a Personal Interest in the business of the Authority, where that business would affect the financial or regulatory position of that person or body and the interest is one which the 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. It will **not** be a Prejudicial Interest if this relates to receipt of statutory benefits; allowances, payments or indemnities provided to Members; ceremonial honours given to Members or setting of Council tax, rates or precepts.

"Speaking Right" means the right of a Member to speak, make representations and answer questions in relation to a matter that they have a Prejudicial Interest and only applies to such an interest and ***not a matter where they have a Disclosable Pecuniary Interest***. **This Speaking Right does not extend to Meetings or discussions with officers or site visits.**

1.6 In this Code "relevant authority" has the meaning given to it by section 27(6) of the Localism Act 2011.

2. SCOPE

2.1 You must comply with this Code whenever you act, claim to act or give the impression you are acting in your official capacity as a Member of the Authority.

2.2 Where you act as a representative of the Authority:-

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3. GENERAL OBLIGATIONS

3.1 You must treat others with respect.

3.2 **You must not:-**

(a) do anything, which may cause the Authority to breach UK equalities legislation.

(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 authority's code of conduct.

(d) do anything, which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.

(e) conduct yourself in a manner, which could reasonably be regarded as bringing your office or authority into disrepute.

4. YOU MUST NOT:-

4.1 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 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 authority.

4.2 prevent another person from gaining access to information to which that person is entitled by law.

5. YOU MUST NOT:-

5.1 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.

6. YOU MUST:-

6.1 when using or authorising the use by others of the resources of the Authority:-
(a) act in accordance with your Authority's reasonable requirements;
(b) ensure that such resources are not used improperly for political purposes (including party political purposes); and

6.2 have regard to any Local Authority Code of Publicity made under the Local Government Act 1986.

PART 2
INTERESTS

7. DISCLOSABLE PECUNIARY INTERESTS

7.1 **Breaches of the rules relating to Disclosable Pecuniary Interests may lead to criminal sanctions.**

7.2 You have a Disclosable Pecuniary Interest if it is of a description specified in Regulations made by the Secretary of State (Appendix A) and either:
(a) it is an interest of yours, or
(b) it is an interest of:
(i) your spouse or civil partner,
(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 that other person has the interest.

8. REGISTRATION OF DISCLOSABLE PECUNIARY INTERESTS

8.1 **You must,** within 28 days of:
(a) this Code being adopted or applied by the Authority; or
(b) your election or appointment (where that is later),
notify the Authority's Monitoring Officer in writing of any Disclosable Pecuniary Interests you have, and
subject to paragraph 14 (sensitive interests), such notifications will be placed on the Register of Interests.

8.2 **You must**, within 28 days of becoming aware of any new Disclosable Pecuniary Interest or any change to any such interest, notify the Authority's Monitoring Officer in writing of that new Disclosable Pecuniary Interest or change. Subject to paragraph 14 (sensitive interests), such notifications will be placed on the Register of Interests.

9. DISCLOSABLE PECUNIARY INTERESTS IN MATTERS CONSIDERED AT MEETINGS

9.1 If you attend a Meeting and have and are aware that you have a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at that Meeting-

(a) **you must disclose** to the Meeting the existence and nature of the Disclosable Pecuniary Interest in that matter unless paragraph 14 (sensitive interests) applies. **If you have not already done so, you must notify the Authority's Monitoring Officer** of the interest before the end of 28 days beginning with the date of the disclosure, and

(b) whether the interest is registered or not you **must not** – unless you have obtained a dispensation from the Authority's Proper Officer –

(i) participate, or participate further, in any discussion of the matter or vote at the Meeting; or

(ii) remain in the Meeting whilst the matter is being debated or participate in any vote taken on the matter at the Meeting.

Note: Council Procedure Rule 19.3.4 requires you to leave the room where the Meeting is held while any discussion or voting takes place on a matter, which is a Disclosable Pecuniary Interest or affects that Disclosable Pecuniary Interest.

<u>OTHER INTERESTS</u>

10. PERSONAL INTERESTS

10.1. You have a Personal Interest in any business of the Authority where –

(a) it relates to or is likely to affect—

(i) 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 your authority;

(ii) any body—
(aa) exercising functions of a public nature;
(bb) directed to charitable purposes; or
(cc) 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;

(iii) the interests of any person or body from whom you have received a gift or hospitality *as a Member*, with an estimated value of at least £100 in the last 3 years; ***or***

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being[2] or the well-being a person or body listed in 10.2, to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area,

AND that interest does not otherwise fall into the category of a Disclosable Pecuniary Interest.

10.2 (a) a member of your family or any person with whom you have a **close friendship**; or

(b) any person or body or firm who employs or has appointed or are in partnership with those detailed in 10.2(a), (as an employee, partner or director);

[2] Defined as anything that could affect quality of life either positively or negatively.

(c) any person or body in whom those detailed in 10.2(a) have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body or person described in 10.1(a)(i) or (ii).

11. REGISTRATION OF PERSONAL INTERESTS,

11.1 **You must,** within 28 days of:
(a) this Code being adopted or applied by the Authority; or
(b) your election or appointment (where that is later),
notify the Authority's Monitoring Officer in writing of any Personal Interests you have detailed under 10.1(a)(i)-(iii) and
subject to paragraph 14 (sensitive interests), such notifications will be placed on the Register of Interests.

11.2 **You must**, within 28 days of becoming aware of any new Personal Interest or any change to any such interest, notify the Authority's Monitoring Officer in writing of that new Personal Interest or change. Subject to paragraph 14 (sensitive interests), such notifications will be placed on the Register of Interests.

12. DECLARATION OF PERSONAL INTERESTS AND PARTICIPATING IN ANY MEETING WHERE THESE ARE DISCUSSED

12.1 If you attend a Meeting at which any item of business is to be considered and you are aware that you have a Personal Interest in that item, then subject to paragraph 14 (sensitive Interests) **you must** make a verbal declaration of the existence and nature of that interest at the outset of the Meeting or before the consideration of the item of business.

12.2 Sub-paragraph 12.1 only applies where you are aware or ought reasonably to be aware of the existence of the Personal Interest.

12.3 Where you have a Personal Interest in that item of business you may remain in the Meeting, debate and vote on the item.

13. PREJUDICIAL INTERESTS, DECLARATIONS AND EXERCISING A SPEAKING RIGHT IN ANY MEETING WHERE THESE ARE DISCUSSED

13.1 If you attend a Meeting at which any item of business is to be considered and you are aware that you have a Prejudicial Interest (as defined in paragraph 1.5) in that item, then, subject to paragraph 14 (sensitive Interests) **you must** make a verbal declaration of the existence and nature of that interest at the outset of the Meeting or before the consideration of the item of business. If you wish to exercise a Speaking Right (as defined in paragraph 1.5), you should make a verbal declaration to this effect at this time.

13.2 Subject to 13.3, where you have a Prejudicial Interest in any item of business, then unless you have obtained a dispensation from the Authority's Monitoring Officer, **you must not**

(a) participate, or participate further, in any discussion of the matter or vote at the Meeting; or

(b) remain in the Meeting whilst the matter is being debated or participate in any vote taken on the matter at the Meeting.

13.3 Where you have a Prejudicial Interest, you may exercise a Speaking Right and then **must** leave the Meeting where the business is being discussed. **You must not participate in any debate or vote.**

Note: Council Procedure Rule 19.3.5 requires you to leave the room where the Meeting is held while any discussion or voting takes place on a matter, which is a Prejudicial Interest or affects that Prejudicial Interest, UNLESS you are exercising a Speaking Right and once that Speaking Right has been exercised you must leave the room.

14. SENSITIVE INTERESTS

14.1 Where you consider (and the Authority's Proper Officer agrees) that the nature of a Disclosable Pecuniary or Personal or Prejudicial Interest is such that disclosure of the details of the interest could lead to you or a person connected with you being subject to intimidation or violence, it is a "Sensitive interest" for the purposes of the Code. Details of the Sensitive interest do not need to be disclosed on the Register of Interests or to a Meeting, although the fact that you have a Sensitive interest, will be placed on the Register of Interests as being withheld under section 32(1), or section 1 Localism Act 2011, and disclosed at any Meeting. The obligations in relation to participation in Meetings under paragraphs 9, 12 and 13 still, otherwise, apply.

Note: Register of interests
Interests notified to the Monitoring Officer will be on a specified form approved for the purpose by the Monitoring Officer and for this purpose will be deemed the "register of interests". A copy of the Register of Interests will be available for public inspection and will be published on the Authority's website.

Appendix A
Disclosable Pecuniary Interests

This note explains the requirements of the Localism Act 2011 (ss 29-34) in relation to Disclosable Pecuniary Interests. These provisions are enforced by criminal sanction.
They came into force on 1 July 2012.

1 Notification of Disclosable Pecuniary Interests

Disclosable Pecuniary Interest	*description*
Employment, office, trade, profession or vocation[3]	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.

[3] The word "vacation" is used in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 No 1464. This is, however, believed to be a typographical error and should read "**vocation"**.

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.

Offences
It is a criminal offence to

- Fail to notify the Monitoring Officer of any Disclosable Pecuniary Interest within 28 days of election
- Fail to disclose a Disclosable Pecuniary Interest at a Meeting if it is not on the register
- Fail to notify the Monitoring Officer within 28 days of a Disclosable Pecuniary Interest that is not on the register that you have disclosed to a Meeting
- Participate in any discussion or vote on a matter in which you have a Disclosable Pecuniary Interest (without a dispensation)
- 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

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 up to 5 years.

Appendix B

Dispensation grounds:

The Authority's Monitoring Officer[4] may grant a dispensation only if, after having had regard to all relevant circumstances, the Monitoring Officer considers that —

- without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
- without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,
- granting the dispensation is in the interests of persons living in the Authority's area, or
- considers that it is otherwise appropriate to grant a dispensation.

A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.

[4] As Proper Officer

Approved on: ……

Signed: ……...

Print Name: ……..

Policy to be reviewed on: …….