

BREAGE PARISH COUNCIL



CODE OF CONDUCT FOR MEMBERS

Revised and signed 7 June 2016

Cllr R M R Wyvern Batt

Chairman

Review date June 2017

You must sign an Undertaking to comply with this Code of Conduct before acting as a Councillor.

General principles of public life

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

Honesty and integrity – You should not place yourself in situations where your honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

Objectivity – You should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

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

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

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

Breage Parish Council also expects you to observe the following principles:

Personal judgement – You may take account of the views of others, including your political group, but should reach your own conclusions on the issues before you and act in accordance with those conclusions.

Respect for others – You should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. You should respect the impartiality and integrity of the Parish Council’s statutory officers and any other employees.

Duty to uphold the law – You should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship – You should do whatever you are able to do to ensure that the Parish Council uses its resources prudently, and in accordance with the law.

In this Code:

“**Member**” includes an elected member and a co-opted member

“**Monitoring Officer**” means the Monitoring Officer of Cornwall Council. This is because the Localism Act 2011 requires the Monitoring Officer of the principal council to discharge certain ethical standards responsibilities in relation to the local councils in their area.

“**meeting**” means any meeting of the Council and any of the Council’s committees, sub committees, joint committees with other authorities or other formal meetings

“**disclosable pecuniary interest**” means an interest described in Part 5A of this Code and which is an interest of a Member or an interest of (i) that Member’s spouse or civil partner; (ii) a person with whom that Member is living as husband or wife; or (iii) a person with whom that Member is living as if they were civil partners, and that Member is aware that that other person has the interest

“**non-registerable interests**” mean an interest as defined in Part 5B of this Code

“**dispensation**” means a dispensation granted by the Council or other appropriate person or body which relieves a Member from one or more of the restrictions set out in sub-paragraphs 3(5)(i), 3(5)(ii) and 3(5)(iii) of Part 3 of this Code to the extent specified in the dispensation

“**register**” means the register of disclosable pecuniary interests maintained by the Monitoring Officer of Cornwall Council

“**sensitive interest**” means an interest that a Member has (whether or not a disclosable pecuniary interest) in relation to which the Member and the Monitoring Officer consider that disclosure of the details of that interest could lead to the Member, or a person connected with the Member, being subject to violence or intimidation

“**interest**” means any disclosable pecuniary interest or any non-registerable interest where the context permits

This Code is arranged as follows:

Part 1	Application of the Code of Conduct
Part 2	General obligations
Part 3	Registering and declaring interests
Part 4	Sensitive interests
Part 5A	Disclosable pecuniary interests
Part 5B	Non-registerable interests

Part 1 - Application of the Code of Conduct

The Code has been adopted by the Parish Council to support its duty to promote and maintain high standards of conduct by the Members of the Council. It complies with the requirements of section 28 of the Localism Act 2011 and also requires compliance with the general principles of public life set out below.

- 1.1 This Code applies to you being a holder of public office as a Member of Breage Parish Council when acting in your role as a Member.
- 1.2. This Code should be read together with the preceding general principles of public life.
- 1.3. It is your responsibility to comply with the provisions of this Code.
- 1.4 In the interests of transparency and openness and in accordance with the requirements of the Localism Act 2011, a copy of the Register of Members' Interests is published on the Cornwall Council website and a summary of these interests on The Breage Parish Council website that is available for public inspection at the Parish Council offices at times appropriate for the Clerk.
- 1.5 You must comply with this Code whenever you:
 - (a) conduct the business of the Council, which in this Code includes the business of the office to which you have been elected or appointed; or
 - (b) act, hold yourself out as acting or conduct yourself in such a way that a third party could reasonably conclude that you are acting as a representative of the Council and references to your official capacity are construed accordingly.

Part 2 – General obligations

- 2.1 Treat others with respect.
- 2.2 Do not treat others in a way that amounts to or which may reasonably be construed as unlawfully discriminating against them.
- 2.3 Do not bully, intimidate or attempt to intimidate any person anyone who has complained about you or who may be involved in a complaint about you.
- 2.4 Do not raise matters relating to the conduct or capability of a Member or Officer at meetings held in public or before the Press.
- 2.5 Do not conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by Members.
- 2.6 Ensure that you are aware of and comply with the requirements which the Bribery Act 2010 places on you in your role as a Member and on the Council as a whole.

- 2.7 Do not accept any gift or hospitality which could reasonably be perceived by the public as creating an obligation upon the Council, or upon you as a Councillor and could be perceived as likely to influence your judgement in these matters. If you do accept any gift or hospitality which might be attributable to your membership of the Council (other than the refreshments which might usually be expected at Council meetings or civic functions) disclose this or any offer of such gift or hospitality, to the Clerk.
- 2.8 Do not do anything which compromises or is likely to compromise the impartiality of those who work for or on behalf of the Council.
- 2.9 You must not 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 –
- (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees in writing not to disclose the information to any other person before the information is provided to them; or
 - (iv) the disclosure is –
 - (a) reasonable and in the public interest; and
 - (b) made in good faith; and in compliance with the reasonable requirements of the Parish Council.
- 2.10 Do not prevent or attempt to prevent another person from gaining access to information to which that person is entitled by law.
- 2.11 Do not use or attempt to use your position as a member of the Council improperly to obtain an advantage or disadvantage for yourself or any other person or body.
You must not take part in the scrutiny of any decision you have been involved in making – except that you may provide evidence or opinion to those undertaking any scrutiny process.
- 2.12 You must when using the resources of the Council:
- (i) have the prior formal permission of the Council;
 - (ii) act in accordance with the reasonable requirements of the Council;
 - (iii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (iv) have regard to any requirements relating to the Parish Council’s Press and Media Policy.
- 2.13 **You should be aware that case law states that the role of Councillor overrides the rights to act as an individual. This means that Councillors should be careful about expressing individual views to the news media whether or not they relate to matters of Council business.**
- 2.14 You must not authorise the use of the Council’s resources by yourself or any other person other than by your participation in a formal decision made at a meeting and in accordance with the Council’s standing orders or other procedural rules.
- 2.15 When reaching decisions on any matter you must have regard to any relevant advice provided to you by the proper officer of the Council.
- 2.16 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.
- 2.17 Interaction of any sort with the Press or Media must be done in accordance with BPC’s Press and Media Policy.

Part 3 – Registering and declaring interests and withdrawal from meetings

- 3.1 The provisions of this Part of this Code are subject to the provisions of Part 4 of this Code relating to sensitive interests.
- 3.2 Within 28 days of becoming a Member you must notify the Monitoring Officer of any disclosable pecuniary interest that you have at the time of giving the notification.
- 3.3 Where you become a Member as a result of re-election or your co-option being renewed you need only comply with paragraph 3.1 of this Code to the extent that your disclosable pecuniary interests are not already entered on the register at the time the notification is given.
- 3.4 You are not required to notify non-registerable interests to the Monitoring Officer for inclusion in the register.
- 3.5 If you are present at a meeting and you are aware that you have a non-registerable interest or a disclosable pecuniary interest in any matter being considered or to be considered at the meeting you must disclose that interest to the meeting if that interest is not already entered in the register and, unless you have the benefit of a current and relevant dispensation in relation to that matter, you must:
- (i) not participate, or participate further, in any discussions of the matter at the meeting;
 - (ii) not participate in any vote, or further vote, taken on the matter at the meeting; and
 - (iii) remove yourself from the meeting while any discussion or vote takes place on the matter, to the extent that you are required to absent yourself in accordance with the Council's standing orders or other relevant procedural rules.
- 3.6 Where a Member has a non-registerable interest in a matter to which paragraph 3.5 relates that does not benefit from a valid dispensation and that interest arises only from the Member's participation in or membership of a body whose objects or purposes are charitable, philanthropic or otherwise for the benefit of the community or a section of the community the Member may [with the permission of the Chairman of the meeting or until such time as the Chairman directs the Member to stop] address the meeting to provide such information as they reasonably consider might inform the debate and decision to be made before complying with paragraphs 3.5(i), (ii) and (iii).
- 3.7 If a disclosable pecuniary interest to which paragraph 3.5 relates is not entered in the register and has not already been notified to the Monitoring Officer at the time of the disclosure you must notify the Monitoring Officer of that interest within 28 days of the disclosure being made at the meeting.
- 3.8 Within 28 days of becoming aware of any new disclosable pecuniary interest, or change to any disclosable pecuniary interest already registered or notified to the Monitoring Officer, you must notify that new interest or the change in the interest to the Monitoring Officer.
- 3.9 All notifications of disclosable pecuniary interests to the Monitoring Officer must be made in writing and such disclosures as are made at meetings must be confirmed in writing to the Monitoring Officer.
- 3.10 You must notify the proper officer of your Council in writing of the detail of all disclosable pecuniary interests that are notified or confirmed to the Monitoring Officer.

Part 4 – Sensitive interests

- 4.1 Members must notify the Monitoring Officer of the details of sensitive interests but the details of such interests will not be included in any published version of the register.
- 4.2 The requirement in paragraph 3(5) of Part 3 of this Code to disclose interests to meetings shall in relation to sensitive interests be limited to declaring the existence of an interest and the detail of the interest need not be declared.

Part 5A - Disclosable Pecuniary Interests

A disclosable pecuniary interest is an interest falling within the Schedule set out at Paragraph 3 below of:
Yourself; or

Your spouse or civil partner, or someone you are living with as if you were husband and wife or civil partners, where you are aware that that other person has the interest.

Interpretation

In the Schedule set out below, the following words or expressions mean as follows:

‘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; 3.2.3 ‘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; 3.2.5 ‘M’ means a member of a relevant authority; 3.2.6 ‘member’ includes a co-opted member; 3.2.7 ‘relevant authority’ means the Council of which M is a member; 3.2.8 ‘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; 3.2.9 ‘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 (2000 c. 8) and other securities of any description, other than money deposited with a building society

Interest type:	Employment, etc.
What the regulations say: Any employment, office, trade, profession or vocation carried on for profit or gain.	
What this means: The job or other means by which you, your spouse, civil partner, etc. make your living, whether employed or self-employed. You need to mention all jobs, businesses, offices, trades or professions for which payment is or should be made. It does not include any voluntary work for which you are not paid or reimbursed, whether for your time or otherwise. For instance, you might enter “ <i>Teacher at Bash Street School</i> ” or “ <i>Manager of ACME Tools Limited</i> ” with the address of the place at which you work, run a business, etc.	
Interest type:	Sponsorship
What the regulations say: 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 the member in carrying out duties as a member, or towards the election expenses of the member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

What this means:

Any money, whether in cash or otherwise, or any financial benefit, such as the remission of monies you would otherwise have been required to pay or something else representing a financial benefit if any of these relate to your election expenses or your expenses in carrying out your duties as a member, so far as received in the 12 months ending with the day on which you register the payment or benefit. You will need to state what the payment or benefit was, from whom it was received (including any trade union) and what it related to. It does not include such of the above as have been received from the council you are a member of so, for example, you will not need to register expenses and allowances received from your council in your capacity as a member.

This part of the form does not apply to your spouse, civil partner etc. If they are a member or co-opted member of a council they will have to disclose the information on their own register form.

Interest type:	Contracts
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What the regulations say:

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.

What this means:

'Contract' has the usual meaning and it includes any contract between (1) the council of which you are a member and (2) you, your spouse, civil partner etc., a firm in which you, your spouse, civil partner etc. are a partner or an incorporated entity (e.g. a company) of which you, your spouse, civil partner etc. are a director or in the securities* of which you, your spouse or civil partner etc. have a beneficial interest. The contract will relate to the provision of goods and services and there will still be obligations to be performed by one or more of the parties to the contract. Such contracts might relate to, e.g. carrying out works to your council's premises, providing your council with stationery or computers or receiving goods or services from your council.

* '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.

Interest type:	Land
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What the regulations say:

Any beneficial interest in land which is within the area of the relevant authority.

Interest type:	Licences
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What the regulations say:

Any licence (alone or jointly with others) to occupy land in the area of the relevant

authority for a month or longer.

Interest type: **Corporate tenancies**

What the regulations say:

Any tenancy where (to the member'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.

What this means:

This relates to any tenancy between (1) the council of which you are a member and (2) a firm in which you, your spouse, civil partner etc. are a partner or an incorporated entity (e.g. a company) of which you, your spouse, civil partner etc are a director or in the securities* of which you, your spouse, civil partner etc. have a beneficial interest.

* '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.

Interest type: **Securities**

What the regulations say:

Any beneficial interest in securities of a body where—

- (a) that body (to the member'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.

What this means:

Essentially securities that you, your spouse, civil partner, etc. own, with or without others, which are 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. The body to which the securities relate needs to have a place of business or land in the area of the council of which you are a member and one of the conditions in (b)(i) or (ii) above has to be met. Even if the body is dormant the securities must be registered. We have interpreted 'place of business' as including the registered office of the body.

Interest type: **Interests that your council's code of conduct requires you to register in addition to those prescribed by regulations**

Please seek advice from your Clerk if required and please make sure that you clearly state what the interest is and what it relates to.

Part 5B – Non-registerable interests

You have a non-registerable interest where a decision in relation to a matter being determined or to be determined:

- (i) might reasonably be regarded as affecting the financial position or well being of you; a member of your family or any person with whom you have a close association; or any body or group which you are a member of more than it might affect the majority of council tax payers, rate payers or inhabitants in the parish; and
- (ii) the interest is such that a reasonable person with knowledge of all the relevant facts would consider your interest so significant that it is likely to prejudice your judgement of the public interest.

save that business relating to the following functions will not give rise to non-registerable interests:

- school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- statutory sick pay under, where you are in receipt of, or are entitled to the receipt of, such pay;
- an allowance, payment or indemnity given to members;
- any ceremonial honour given to members; and
- setting of the precept

and for the avoidance of doubt the above exceptions to the definition of non-registerable interests do not negate the requirements arising from having a disclosable pecuniary interest.