

MUCH HOOLE PARISH COUNCIL
CODE OF CONDUCT FOR ELECTED MEMBERS

Adopted at the meeting on 12th Sept. 2012

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THE CODE OF CONDUCT FOR ELECTED MEMBERS

A. INTRODUCTION

1. This Code replaces the previous Code of Conduct for All Members and was adopted at the meeting of South Ribble Borough Council on 12th Sept. 2012. This Code is in accordance with the requirements of the Localism Act 2011.
2. This Code applies to **you** as a member of the Council in all aspects of your public life and not when you are acting purely in a private and personal capacity.
3. All members are expected to follow this Code when they are conducting the work of the Council, or representing the Council, on any external organisation, and otherwise acting in their official capacity.
4. Where you act as a representative *of* the Council
 - (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.
5. You should read this Code together with the general principles listed in Section B.
6. It is your responsibility to comply with the provisions of this Code. Members have a responsibility to ensure that they comply with the Code of Conduct in all respects. They should regularly review their personal circumstances and intended actions in the context of the Code.
7. The Code is not intended to be an exhaustive list of all the obligations that are placed on Members. It is the responsibility of individual Members to comply with the provisions of the Code, the Council's Constitution, as well as such other legal obligations and all relevant Council Policies as may apply to them from time to time.
8. Members should not do anything in their capacity as councillors, which they could not justify to the public or could not justify by law. Members' conduct and what the public believe about their conduct will affect the reputation and credibility of Members and the Council as a whole.
9. You should always conduct yourselves in a way which will maintain and strengthen the public's trust and confidence in the integrity of this Council and should never undertake any action which would bring this Authority, or its Members and Officers generally, into disrepute.

10. It is not enough to avoid impropriety; perception is also important. Members should at all times avoid any occasion for suspicion and any appearance of improper conduct.
11. If in doubt, Members should seek advice from the Monitoring Officer or Deputy Monitoring Officer of SRBC, but the final decision and responsibility on how to act rests with Members themselves.
12. **Failure to comply with the Code of Conduct may result in a sanction being applied by the Council. Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and a fine of up to £5,000 and/or disqualification from office for a period of up to 5 years.**
13. South Ribble Borough Council has adopted an Investigation and Hearings Procedure which it will follow to consider any allegations of breach of this Code.

B. THE GENERAL PRINCIPLES OF PUBLIC LIFE

These general principles define the standards that members should uphold. They are set out in section 28 of the Localism Act 2011.

Selflessness

You should serve only the public interest and should never improperly confer an advantage or disadvantage on any person, organisation or group, or any other third party

Integrity

You should not place yourself in situations where your honesty and integrity may be questioned; you 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 your 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 this authority, and should be prepared to give reasons for those actions.

Honesty

You have a duty to declare any private interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

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.

C. GENERAL OBLIGATIONS

1. You should always treat others with respect.
2. You must not—
 - (a) do anything which may cause your authority to breach any of the equality enactments;
 - (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; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, this Council.
3. You must not—
 - (a) 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 not to disclose the information to any other person; or
 - (iv) the disclosure is—
 - reasonable and in the public interest; and
 - made in good faith and in compliance with the reasonable requirements of the authority; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
4. You—
 - (a) must not 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; and
 - (b) must, when using or authorising the use by others of the resources of your authority
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986
- 5. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by:
 - (a) your authority's chief finance officer; or
 - (b) your authority's monitoring officer,
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

D. DISCLOSABLE PECUNIARY INTERESTS

- 1. Appendix A sets out in detail what is considered to be a Disclosable Pecuniary Interest.
- 2. A 'disclosable pecuniary interest' relates to an interest of both yourself and your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners).

Notification of disclosable pecuniary interest

- 3. Within 28 days of either the adoption of this code, becoming a member, co-opted member, Town or Parish Councillor (whichever is the earliest), you must notify the Monitoring Officer in writing of any 'disclosable pecuniary interests'.
- 4. Following initial disclosure, you must notify the Monitoring Officer within 28 days of becoming aware of any changes to a disclosable pecuniary interest previously notified or of any new disclosable pecuniary interest not previously notified
- 5. **Failure to make proper disclosure may result in criminal sanctions being brought against you** (See Criminal Sanctions P6 Section D12)
- 6. Details of your interests including any disclosable pecuniary interests will be kept on a central register which will be published on the Council's website and be available for public inspection.

Sensitive interests

- 7. Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation if the interest is entered on the register (and the Monitoring Officer agrees), copies of the register that are made available for inspection and any published version of the register will exclude details of that interest, but may state that you have a disclosable pecuniary interest but the details of which will be withheld under Section 32(2) of the Localism Act 2011.

Effect of disclosable pecuniary interests on participation in meetings

- 8. If a disclosable pecuniary interest has been entered on to the Council's register

- You must state at the start of the meeting or as soon as possible after becoming aware of the fact that you have a disclosable pecuniary interest in the business being considered that you have such an interest.
9. If a disclosable pecuniary interest has NOT been entered on to the Council's register
- You must state at the start of the meeting or as soon as possible after becoming aware that you have a disclosable pecuniary interest in the business being considered that you have such an interest AND (unless it is a "sensitive interest" – see above) what that disclosable pecuniary interest is.
 - You must then inform the Monitoring Officer (within 28 days of the meeting) of the previously undisclosed disclosable pecuniary interest details of which will then be published on the register.
10. IN BOTH CASES i.e. as outlined in paragraph 8 & 9 above (unless dispensation has been granted):
- You must immediately cease to have any further involvement in the rest of the matter being considered.
 - You must not participate in any discussion of, vote on or discharge any function related to any matter in which you have a disclosable pecuniary interest.
 - You must leave the room or chamber where the matter is being discussed.

Dispensations

11. The Standards Committee may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

Criminal Sanctions

12. 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
 - As a member discharging a function, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
 - 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 £5000 and disqualification from being a councillor for up to 5 years.

E OTHER INTERESTS

1. Apart from Disclosable Pecuniary Interests there may also be other interests, whether they be financial or otherwise, which should be disclosed to the Monitoring Officer or a member of Legal or Democratic services (who may enter the details in the register) and which should be declared at the beginning of any meeting or as soon as possible on discovery that such an interest arises where that interest potentially conflicts with the business being discussed.
2. Depending on the significance of the other interests it may also be necessary, especially if the interest may give rise to a perception of a conflict of interest in the matter under discussion, to declare that interest, state your point of view if you wish to and then leave the room and take no further part in the matter under consideration.

Notification of Other Interests

3. In addition to the disclosure of Disclosable Pecuniary Interests you must, within 28 days of either the adoption of this code, becoming a member, co-opted member, Town or Parish Councillor (whichever is the earliest), notify the Monitoring Officer in writing of the details of your interests within the following categories, for inclusion in the register of interests:
 - (a) Details of 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;
 - (b) Details of any body exercising functions of a public nature, anybody directed to charitable purposes or anybody 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;
 - (c) Details of any gift or hospitality with an estimated value of at least £25 that you have received in connection with your role as a member of the Council, and details of the donor (see below).
4. You must, within 28 days of becoming aware of any new interest or change to any interest registered under this paragraph notify the Monitoring Officer of the details of that new interest or change.

Effect of disclosure of Other Interests on participation in meetings

5. If an Interest has been entered on to the Council's register
 - You must state at the start of the meeting or as soon as possible after becoming aware that you have an interest in the business being considered that you have such an interest AND (unless it is a sensitive interest – see above) what that interest is.
6. If the interest has NOT been entered on to the Council's register

- You should then inform the Monitoring Officer or a member of Democratic or Legal services (within 28 days of the meeting) of the previously undisclosed interest details of which may then be published on the register.
7. You have an interest in any business of your authority where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a member of your family or any person with whom you have a close association.
 8. Where you have an interest in any business of the authority of the type mentioned in Section H, (gifts and hospitality) you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
 9. Where you have an interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

Non participation in case of certain other interests

10. Where you have an interest in any business of your authority (other than a disclosable pecuniary interest) **AND** 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 your judgment of the public interest **AND** where that business:
 - a. affects your financial position or the financial position of a person or body through whom the interest arises ;or
 - b. relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person through whom the interest arises,

you may make representations on the matter being discussed at the meeting, but you cannot vote. In addition, once you have made your declaration and representation (if any) you are required to leave the room where the meeting is held while any discussion or voting takes place.
11. Where you have an interest in any business of your authority to which paragraph 10 above applies, you 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 a statutory right or otherwise, and provided that you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
12. For the sake of clarity you may attend a meeting and vote on a matter that relates to the functions of your authority in respect of—
 - (i) an allowance, payment or indemnity given to members;
 - (ii) any ceremonial honour given to members; and
 - (iii) setting council tax or a precept under the Local Government Finance Act 1992.

13. There are situations where, as a member, you may discharge a function on your own for example when working out on your ward. If whilst doing so you become aware of either a disclosable pecuniary interest or an interest under paragraph 10 above in relation to the matter you are dealing with you must not take any steps or further steps in relation to that matter, or seek improperly to influence a decision about the matter and must inform the Monitoring Officer (in writing) as soon as possible after becoming aware of the said interest.

F REGISTRATION OF INTERESTS

1. Any interests notified to the Monitoring Officer will be included in the register of interests.
2. A copy of the register will be available for public inspection and will be published on the authority's website.
3. The requirement to disclose such interests only applies where you are aware or ought reasonably to be aware of the existence of such an interest.
4. If a member has a sensitive interest (see Section D7 above) details of the fact they have an interest but not what the interest is will be entered on the Register.

G. REGISTER OF GIFTS AND HOSPITALITY

1. You must register any gifts or hospitality received in connection with your official duties as a Member worth £25 or over within 28 days of receiving it.
2. You must also register the donor of the gift or hospitality
3. You should register an accumulation of small gifts you receive from the same donor over a short period of time that add up to £25 or more
4. If you don't know the value of a gift it would be good practice to register it anyway
5. It is good practice to also register gifts or hospitality you do not accept
6. Ask yourself "Have I been given this because I am a member?" if the answer is "yes" then you must register the item.

DISCLOSABLE PECUNIARY INTERESTS

Section 30 of the Act introduces the concept of Disclosable Pecuniary Interest which a member is expected to declare within specific timescales.

The Act states that it is a criminal offence to fail to notify the monitoring officer of a disclosable pecuniary interest, to take part in discussions or votes at meetings, or to take a decision where you have a disclosable pecuniary interest, without excuse. It is also an offence to knowingly or recklessly provide false or misleading information to the Monitoring Officer

If any member is in any doubt as to their position you should contact the Monitoring Officer, Democratic Services or Legal Services for assistance.

A 'disclosable pecuniary interest' is an interest of you or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

(In the extracts from the Regulations below, 'you' and 'relevant person' means you and your partner, as above)

<i>Subject</i>	<i>Prescribed description</i>
<i>Employment, office, trade, profession or vacation</i>	<i>Any employment, office, trade, profession or vocation carried on for profit or gain.</i>
<i>Sponsorship</i>	<i>Any payment or provision of any other financial benefit (other than from this authority) made or provided within the relevant period in respect of any expenses incurred by you carrying out duties as a member, or towards the election expenses of you or your partner. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</i>
<i>Contracts</i>	<i>Any contract which is made between you or your partner (or a body in which you or your partner has a beneficial interest) and this 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.</i>
<i>Land</i>	<i>Any beneficial interest in land which is within the area of the relevant authority.</i>
<i>Licences</i>	<i>Any licence (alone or jointly with others) to occupy land in the area of this authority for a month or longer.</i>
<i>Corporate tenancies</i>	<i>Any tenancy where (to yours or your partners knowledge)— (a) this authority is the landlord; and (b) the tenant is a body in which you or your partner have a beneficial interest.</i>

<i>Subject</i>	<i>Prescribed description</i>
<i>Securities</i>	<p><i>Any beneficial interest in securities of a body where—</i></p> <p><i>(a) that body (to your knowledge) has a place of business or land in the area of your relevant authority; and</i></p> <p><i>(b) either—</i></p> <p><i>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</i></p> <p><i>(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 you or your partner have a beneficial interest exceeds one hundredth of the total issued share capital of that class.</i></p>

See Glossary for definitions

GLOSSARY

1. In this Code—

“authority or council” means South Ribble Borough Council or any Parish or Town Council within the South Ribble area that has decided to adopt this Code

“Code” means this Code of Conduct

“meeting” means any meeting of—

the Parish Council

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

“member” means a councillor of South Ribble Borough Council and any councillor on a Parish or Town Council within the South Ribble area that has adopted this Code. For the sake of clarity it includes a co-opted member and an appointed member.

“register of members interests” means the authority’s register of members’ pecuniary and other interests established and maintained by this authority’s monitoring officer under section 29 Localism Act 2011

“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;

“relevant authority” means the authority of which you are a member;

“relevant period” means the period of 12 months ending with the day on which you give a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means you 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.

EXPLANATORY NOTES ACCOMPANYING THE NEW MODEL CODE

SECTION A

Paragraphs 3 & 4 state that when you are acting in your official capacity you must abide by this code unless you are subject to another council's code, or unless (in relation to another body) it conflicts with any other legal obligation

SECTION C

Paragraphs 1 & 2 of the code provides that you must treat others with respect and not do anything which may cause this authority to breach equality legislation, or which compromises the impartiality of those who work for the Council or bully anyone or intimidate persons involved in code of conduct cases.

Paragraph 3 of the Code provides that a member must not without consent disclose confidential information they have acquired and must not prevent others from gaining access to information to which they are entitled.

Paragraph 4 of the Code provides that you must not use your position improperly to gain an advantage or confer a disadvantage and that when using or authorizing the use of the authority's resources, you must act in accordance with the authority's reasonable requirements, must not permit those resources to be used for political purposes and must have regard to the Local Authority Code of Publicity.

SECTION D

Paragraph 1 Sets out the definition of Disclosable Pecuniary Interests and refers to Appendix A for a full description.

Paragraphs 3 - 6 describe when and how you must disclose Disclosable Pecuniary Interests and that failure to do so could lead to a criminal sanction and disqualification from office.

Paragraph 7 of the Code describes Sensitive Interests where details of an interest do not have to be made public on the Register of Interests, even if it is a disclosable pecuniary interest if the disclosure could lead you, or a person connected to you being subject to violence or intimidation.

Paragraphs 8, 9 & 10 describe how you must conduct yourself in meetings where a disclosable pecuniary interest exists. In short, a member must declare the disclosable pecuniary interest at the start of the meeting or as soon as possible after you become aware a disclosable pecuniary interest arises. If you have not already registered the disclosable pecuniary interest you must state the nature of that interest and then inform the Monitoring Officer in writing of that interest within 28 days of disclosure.

If you have a disclosable pecuniary interest you must after disclosure at the meeting have no further involvement in that matter or vote and you must leave the room. Dispensations are available as per **Paragraph 11 above**. Failure to disclose a disclosable pecuniary interest could lead to criminal sanction of up to £5000 fine or disqualification from office for up to 5 years.

SECTION E

Paragraphs 1 & 2 confirm that there are other interests apart from Disclosable Pecuniary Interests that must be disclosed and when this disclosure should take place. Examples of such interests can be found in paragraph 3. There are times when it may become necessary, especially where there is a conflict of interest to not only declare that interest in accordance with the provisions of the code but also leave the room.

Paragraph 3 confirms that you are under an ongoing duty to register ANY new interest or change to any registered interest within 28 days of becoming aware of it.

Paragraphs 4 explains in provisions similar to disclosable pecuniary interests when such other interests must be disclosed i.e. within 28 days of adoption of this code, your election or you becoming aware of the interest. The same rules as to sensitive interests and dispensations apply.

Paragraphs 5 – 13 explain when you should not continue to take part in a meeting when you have an interest in a matter being discussed which a 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 and where that business either affects the financial position of you or someone close to you or a business you or someone close to you are connected with, or relates to determining of any approval, consent, licence, permission or registration for you or someone close to you.

In these cases you must declare the interest, state your case and then take no further part in the determination of the issue. Thereafter you must also leave the room where the matter is being discussed.

For example you would be expected to not only declare an interest but also take no further part in a meeting if you sat as a member of a planning committee which was considering application being made by your daughter. Similarly, if a planning application on a neighboring piece of land to your own property was under consideration.

If such a situation arises you must state you have an interest at the beginning of the meeting or as soon as possible thereafter, at the relevant time you can state your case but and then you must leave the room where the business is being discussed and not take part in the vote. You must not seek improperly to influence a decision about that business.

SECTION F

Paragraphs 1 – 4 explain that your interests will be included in a register of interests which will be published on the Council's website and be available for inspection and that the requirement to disclose ANY interest only applies when you are aware or ought reasonably to be aware of the existence of such an interest.

SECTION G

Paragraphs 1 & 2 of the Code provides that a member who was involved in making a decision or taking action on a matter must not be involved in the overview and scrutiny committee's consideration of that decision or action.