Eastleach Parish Council

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Code of Conduct

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I. Introduction

1. This Code of Conduct (Code) is adopted pursuant to the Authority's duty to promote and maintain high standards of conduct by Members of the Authority.

   Members have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in them.

II. Scope of the Code of Conduct

2. The Code applies to Members whenever acting in their official capacity as a Member of the Authority, including;

   (a) when engaged in the business of the Authority including Ward business or representing the Authority externally;

   (b) when behaving so as to give a reasonable person the impression of acting as a representative of the Authority.

   This Code of Conduct does not seek to regulate what Members do in their purely private and personal lives.

3. The obligations set out in this Code are in addition to those which apply to all Members by virtue of the procedural and other rules of the Authority and any Protocols and Policies which may be adopted from time to time by the Authority.

4. Failure to comply with the requirements within this Code of Conduct which relate to disclosable pecuniary interests and which are set out in sections V and VI and Appendix A is a criminal offence.[1]

[1] Section 34 Localism Act 2011

III. General Principles of Members' Conduct

5. In carrying out their duties in exercising the functions of their Authority or otherwise acting as a Councillor, Members will be expected to observe the general principles of conduct set out below. These principles will be taken into consideration when any allegation is received of a breach of the provisions of the Code.

- *Selflessness*
- *Integrity*
- *Objectivity*
- *Accountability*
- *Openness*
- *Honesty*
- *Leadership*

IV. Rules of Conduct

6. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.

7. Members shall observe the following rules:-

General Requirements

(1) **Do** treat everyone with respect.
(2) **Do not** bully any person.
(3) **Do not** harass any person
(4) **Do** promote equalities and **do not** discriminate unlawfully against any person.

(5) **Do not** use your position improperly to confer on or secure for yourself or any other person, an advantage or disadvantage, or seek to improperly influence a decision about any matter from which you are excluded from participating or voting as a result of the requirements of Part VI of this Code.

(6) **Do not** do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the Authority.

(7) **Do 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, unless–

(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 legal advice provided that the third party agrees not to disclose the information to any other person; 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 Authority.

Before making any disclosure under (iv) above, the written advice of the Clerk must be sought and considered.

(8) **Do not** prevent another person from gaining access to information to which that person is entitled by law.

(9) **Do** promote and support high standards of conduct when serving in your public post by leadership and example.

(10) **Do** not behave in a manner which brings your role or the Authority into disrepute.

(11) **Do not** use knowledge gained solely as a result of your role as a Member for the advancement of your own interests.

When using the resources of the Authority, or authorising the use of those resources by others:

(12) **Do** act in accordance with the Authority's requirements
(13) **Do** ensure that such resources are not used for political purposes (including party political purposes) unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Authority or to the office to which you have been elected or appointed.
(14) **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

When making decisions on behalf of, or as part of, the Authority:

(15) **Do** ensure that decisions are made on merit, particularly when making public appointments, awarding contracts, or recommending individuals for rewards or benefits.
(16) **Do** have regard to advice provided to you by the Authority's Officers, particularly that provided by the Clerk where such advice is offered pursuant to their statutory duties.
(17) **Do** be as open as possible about your own decisions and actions and those of the Authority and be prepared to give reasons for those decisions and actions.
(18) **Do** ensure that you are accountable for your decisions and co-operate fully with whatever scrutiny is appropriate to your office.

V. Registration of Interests

8. Members shall observe the following rules when registering their interests.

(1) **Do**, within 28 days of taking office as a Member (or Co-opted Member), notify the Clerk of any disclosable pecuniary interest as defined in Appendix A and any other registrable interest as defined in Appendix B.

(2) **Do**, within 28 days of the date of a disclosure referred to in Paragraph 9(2) of this Code, notify the Clerk of the interest.

(3) **Do** notify the Clerk of any new interest (disclosable pecuniary or other registrable interest) or change to any registered interest within 28 days of the date of that change.

(4) **Do** approach the Clerk if you feel that your interest should be treated as sensitive because its disclosure could lead to you, or a person connected with you, being subject to violence or intimidation.

VI. Declaration of Interests and Restrictions on Participation

Members must observe the following rules:-

9. <u>Disclosable Pecuniary Interests</u>

Where a matter, in which you have an interest as specified in Appendix A (disclosable pecuniary interests), arises at a meeting at which you are present, or where you become aware that you have such an interest in any matter to be considered or being considered at the meeting:-

(1) **Do** disclose the interest to the meeting. If the Clerk considers it a sensitive interest, you must declare that you have an interest but do not need to disclose the nature of the interest.

(2) **Do** ensure that, if your interest is not entered in the Authority's Register, you disclose the interest to the meeting as required in 9(1) above and that you notify the Clerk of the interest within 28 days in accordance with Paragraph 8(2) of this Code.

(3) **Do** withdraw from the meeting and **do not** vote on the matter, participate, or participate further, in any discussion of the matter at the meeting unless a dispensation has been granted.

(4) **Do not**, as a member of the Authority's executive, exercise any executive functions in respect of any matter in which you have a disclosable pecuniary interest (Appendix A). You should notify the Clerk of the interest and take no steps or further steps in the matter.

10. Other Interests (Other Registrable Interests Appendix B and Non -registrable Interests)

Where a matter, in which

either you have an interest as specified in Appendix B (other registrable interests),

or where a decision on the matter might reasonably be regarded as affecting, to a greater extent than it would affect the majority of other Council taxpayers, ratepayers or inhabitants of the Ward affected by the decision, 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, or who has a contractual relationship (including employment) with yourself, member of your family or close associate,

arises at a meeting at which you are present, or where you become aware that you have such an interest in any matter to be considered or being considered at the meeting:-

(1) **Do** ensure that you disclose the interest to the meeting. If the Clerk considers it a sensitive interest, you must declare that you have an interest but do not need to disclose the nature of the interest.

(2) **Do** leave the meeting and **do not** vote on the matter, participate, or participate further, in any discussion of the matter at the meeting (unless a dispensation has been granted or it is an excepted function), if,

(a) it affects the financial position of an interest specified in Appendix B (other registrable interests)

(b) it affects your financial position or well-being or that of a member of your family, or any person with whom you have a close association, or who has a contractual relationship (including employment) with yourself, member of your family or close associate

or

(c) it relates to the determination of any approval, consent, licence, permission or registration in relation to you or any person or body described in (a) and (b) above

and a reasonable member of the public knowing the facts would reasonably regard it as so significant that it is likely to prejudice your judgement of the public interest.

The rules set out in Paragraph 10(2) above do not have the effect of precluding a Member from attending a meeting 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. The Member must, after making their submission, withdraw immediately from the meeting.

(3) **Do not**, as a member of the Authority's executive, exercise any executive functions in respect of any matter in which you have an interest as described in 10(2) above. You should notify the Clerk of the interest and take no steps or further steps in the matter.

VII. Duties in respect of the Code of Conduct

11. Members shall observe the following:-

(1) **Do** undertake training on the Code of Conduct as required by the Authority.

(2) **Do** co-operate, at all stages, with any investigation into your conduct which may be carried out in accordance with the arrangements for the investigation and determination of complaints which have been put in place by Cotswold District Council.

(3) **Do not** seek to intimidate, or attempt to intimidate, any person who is, or is likely to be, a complainant, a witness or involved in the administration of any investigation or proceedings in relation to an allegation that a Member has failed to comply with his or her Council's Code of Conduct.

(4) **Do** comply with any sanction imposed on you following a finding that you have failed to comply with the Code of Conduct.

VIII. Dispensations

12. Where a Member has a disclosable pecuniary interest as described in this Code, and set out in Appendix A, or has an interest which would preclude the Member's participation in the item of business as described in Paragraph 10 of this Code, the Member may apply to the Clerk for a dispensation.

13. A Member may be granted a dispensation to participate in a discussion and vote on a matter at a meeting even if the Member has a disclosable pecuniary interest as described in this Code, and set out in Appendix A, or has an other registrable interest (Appendix B) or non-registrable interest which would preclude the Member's participation in the item of business as described in Paragraph 10 of this Code.

IX. Gifts and Hospitality

14. When offered gifts or hospitality in your capacity as a Member of the Authority, the following rules must be observed.

(1) **Do not** accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or to a reasonable suspicion of influence to show favour, from persons seeking to acquire, develop or do business with the Authority or from persons who may apply to the Authority for any permission, licence or other significant advantage.

(2) **Do** register with the Clerk any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt. (Appendix B).

(3) **Do** register with the Clerk any significant gift or hospitality that they have been offered but have refused to accept.

X. Definitions

The following are definitions which apply for the purposes of this Code of Conduct.

1. Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient.

2. "Clerk" means the Clerk of the Authority

3. "Close associate" means someone with whom you are in close regular contact over a period of time who is more than an acquaintance. It may be a friend, a colleague, a business associate or someone you know through general social contacts. It is someone a reasonable member of the public would think you might be prepared to favour/disadvantage ("close association" shall be construed accordingly).

4. Harassment is conduct, on at least two occasions, that causes alarm or distress or puts people in fear of violence

4. "Meeting" is a meeting of the Council, or any Committee, Sub-Committee, Joint Committee or Joint Sub-Committee of the Authority.

5. "Member" is an elected Member or a Co-opted Member of the Authority. "Co-opted Member" is a person who is not a Member of the Authority but who is either a Member of any Committee or Sub-Committee of the Authority, or a Member of, and represents the Authority on, any Joint Committee or Joint

Sub-Committee of the Authority, and who is entitled to vote on any question that falls to be decided at any meeting of that Committee or Sub-Committee.

6. "Member of your family" means:

- Partner (spouse/civil partner/someone you live with as if a spouse or civil partner);
- A parent/parent-in-law, son/daughter, step-son/step-daughter, child of partner; and the partners of any of these persons;
- A brother/sister, grandparent/grandchild, uncle/aunt, nephew/niece; and the partners of any of these persons.

7. "Monitoring Officer" is the Monitoring Officer at Cotswold District Council.

8. "Pending notification" is an interest which has been notified to the Clerk but which has not been entered in the Authority's Register in consequence of that notification.

9. Respect means politeness and courtesy in behaviour, speech, and in the written word.

10. "The Act" is the Localism Act 2011.

11. "The Authority" is Eastleach Parish Council.

12. Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

13. "Well-being" means general sense of contentment and quality of life.

14. Excepted functions are functions of the Authority in respect of

(i) housing, where the Member is a tenant of the Authority provided that those functions do not relate particularly to the Member's tenancy or lease;

(ii) an allowance, payment or indemnity given to Members;

(iii) any ceremonial honour given to Members; and

(iv) setting Council tax or a precept under the Local Government Finance Act 1992.

Appendix A

Disclosable Pecuniary Interests

The interests set out below are "Disclosable Pecuniary Interests" in accordance with the Localism Act 2011 and Members must notify the Clerk in accordance with Paragraphs 8(1)-(3) of this Code of Conduct of any interest which is an interest of **the Member (M) or of any of the following**:

- the Member's spouse or civil partner;
- a person with whom the Member is living as husband and wife; or
- a person with whom the Member is living as if they were civil partners;

and the Member is aware that that other person has the interest.

Subject	Disclosable Pecuniary Interest
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 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(a).
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.

(a) "the Act" means the Localism Act 2011;

(b) "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;

(c) "director" includes a member of the committee of management of an industrial and provident society;

(d) "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;

(e) "M" means a member of a relevant authority;

(f) "member" includes a co-opted member;

(g) "relevant authority" means the authority of which M is a member;

(h) "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;

(i) "relevant person" means M or any other person referred to in section 30(3)(b) of the Act;

(j) "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(b) and other securities of any description, other than money deposited with a building society.

Appendix B

Other Registrable Interests

The interests set out below are "other registrable interests" which must be notified to the Clerk in accordance with Paragraphs 8(1), 8(2) and 8(4) of this Code of Conduct.

A Member must notify the Clerk of any interest held by **the Member** in any of the categories set out below:-

Subject	Other Interest
Management or Control	Any body of which the Member is in a position of general control or management (including where you have been appointed or nominated by the Authority.)
Public/Charitable and Other External Bodies	Any body – (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or Trade Union). of which the Member of the Authority is a member or in a position of general control or management.
Employer	Any person or body who employs, or has appointed, the Member.
Gifts and Hospitality	The name of any person, organisation, company or other body from whom the Member has received, by virtue of his Office, gifts or hospitality worth an estimated value of £50 or more.