

SOUTH HEIGHTON PARISH COUNCIL

CODE OF CONDUCT

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Notes and Background

The Parish Council is committed to achieving good local governance. This means that the Parish Council wants to ensure that they are doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner.

To help the Parish Council achieve this we aim to follow the six principles of good local governance:

- 1 Focusing on the purpose of the Council and on outcomes for the community and creating and implementing a vision for the local area;
- 2 Members and officers working together to achieve a common purpose with clearly defined functions and roles;
- 3 Promoting values for the Council and demonstrating the values of good governance through upholding high standards of conduct and behaviour;
- 4 Taking informed and transparent decisions which are subject to effective scrutiny and managing risk;
- 5 Developing the capacity and capability of members and officers to be effective;
- 6 Engaging with local people and other interested persons to ensure robust public accountability.

As a first tier of local government the Parish Council is directed and controlled by central government legislation. This document is one of a number, which together, sets out the systems and processes of how the Parish Council works within this framework and, as importantly, our culture and values on the way we work, so that we may fulfil these six principles.

This Code of Conduct is based on the National Association of Local Councils' revised template issued on 9 August 2012 as part of Legal Note L09-12 and incorporates elements of the previous Code of Conduct of the Parish Council adopted on 30 October 2012.

It has been prepared in the light of advice and guidance given in "Openness and Transparency on Personal Interests - A guide for Councillors" published in March 2013 by the Department for Communities and Local Government and "The Good Councillor's Guide – Essential Guidance for Local Councillors", 4th edition published in 2013 by the National Training Strategy for Town & Parish Councils and the subsequent Addendum produced in April 2015.

It should be read in conjunction with the other adopted policies, procedures and protocols of the Parish Council in particular the Council's Standing Orders, which sets out the rules for the application of the Code, and the "Roles and Responsibilities of Councillors and Officers Protocol", which deals in more detail with what is expected of Councillors, the Clerk and any appointed officer of the Parish Council in respect of their roles, responsibilities and working relationships.

Councillors are required to sign a formal Declaration of Acceptance of Office which incorporates their acceptance that they will abide by this Code of Conduct and consequently the Roles and Responsibilities of Councillors and Officers Protocol, which forms a supplementary part of this Code.

For their part the Parish Clerk and any other officer appointed by the Parish Council is also expected to comply with the principles of this Code of Conduct and the Roles and Responsibilities of Councillors and Officers Protocol.

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Definitions

For the purposes of this Code:

A ‘Co-opted Member’ is a person who was elected to the Council by the existing elected Members to fill a vacant seat on the Council when an election has not been called to fill the vacant seat. As such they have the same status and responsibilities as a Member elected at the time of a formal election by residents and may be a member of any committee or sub-committee of the Council, represent the Council on any joint committee or joint sub-committee of the Council and are entitled to vote on any question that falls to be decided at any meeting of the Council or those committees or sub-committees.

A ‘meeting’ is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

Unless otherwise expressed, a reference to a Member of the Council includes a Co-opted Member of the Council.

The “Monitoring Officer” is the appointed monitoring officer for Lewes District Council who are the Primary Authority.

Pecuniary interest: A decision in relation to that business that might reasonably be regarded as affecting your well being or financial position or the well being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the Parish.

Introduction

- 1 Pursuant to section 27 of the Localism Act 2011, South Heighton Parish Council ('the Council') has adopted this Code of Conduct ("the Code") to promote and maintain high standards of behaviour by its Members and Co-opted Members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council. These aspects are covered in Section One of this document and also the adopted Roles and Responsibilities Protocol for Members and Officers which forms a supplementary, but integral part of this Code.
- 2 This part of the Code also includes provisions which require Members to register their personal interests and leave meetings in appropriate circumstances, while matters in which they have a personal interest are being considered.
- 3 On election or co-option to the Council Members are required to sign an undertaking as part of their Declaration of Acceptance of Office to comply with the Parish Council's Code of Conduct and this includes not only this document, but also the adopted Roles and Responsibilities Protocol for Councillors and Officers.
- 4 Members should have equal regard to both documents, but pay particular attention to Section Two of this document as 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 disclosable pecuniary interest, without reasonable excuse. It is also an offence to knowingly or recklessly to provide false or misleading information to the Monitoring Officer. Should a Member need formal guidance on any matter under Section Two of this Code they should seek it from the Monitoring Officer or their own legal adviser, but it is entirely their responsibility to comply with the provisions of this Code.

Section One: The Conduct of Members

Following the principles of public life

- 5 As a Member or Co-opted Member of the Council you have a responsibility to represent the community and work constructively with officers of the Council and partner organisations to secure better social, economic and environmental outcomes for all. In accordance with the Localism Act provisions, when acting in this capacity you are committed to behave in a manner that is consistent with the following seven principles of public life on which this Code is based to achieve best value for our residents and maintain public confidence in the Council.
- 6 The seven principles of public life are:
 - 1 Selflessness
Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

2 Integrity

Members should not place themselves in situations where integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour. Members should show integrity by consistently treating other people with respect, regardless of their race, age, religion, gender, sexual orientation, disability or position, for example as an officer or employee of the Council.

3 Objectivity

Members should make decisions in accordance with the law and on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

4 Accountability

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

5 Openness

Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

6 Honesty

Members should not place themselves in situations where their honesty may be questioned, should not behave dishonestly and should on all occasions avoid the appearance of such behaviour. Members should declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest. 2

7 Leadership

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

Other Member Obligations

7. As well as following these principles Members also have further obligations when they act, claim to act or give the impression of acting as a representative of the Council.

They shall:

- a. Behave in such a way that a reasonable person would regard as respectful.
- b. Not act in a way which a reasonable person would regard as bullying or intimidatory.
- c. Not seek to improperly confer an advantage or disadvantage on any person.
- d. Use the resources of the Council in accordance with its requirements.
- e. Not disclose information which is confidential or where disclosure is prohibited by law.

Section Two:

Openness, Transparency, Registering and Consideration of Interests

Achieving Openness and Transparency

8. Key to upholding these principles and obligations is ensuring that the integrity of the Council and its decisions is maintained. To achieve openness and transparency Members are required to register their personal interests and declare these should an item in which they have an interest be considered by the Council. Depending on the circumstances the Member will be required to leave the meeting and take no part in the debate and/or the vote on that item. The required notification and declaration of such interests is covered below and detailed in the Council's Standing Orders.
9. In the interests of complete openness and transparency however, Members are requested to consider informing the meeting of any factor or interest which they, or a member of the public, might think could prejudice their judgement of the public interest. The meeting can then consider whether it believes it could be prejudicial and rule whether it is necessary and/or appropriate to give dispensation to the Member to participate in the discussion and vote on the item (see also paragraph 21).
10. In some circumstances it may not be possible for a Member to know at the beginning of a meeting if they have an interest in an item that may be prejudicial. This may for example come to light during discussion on an item. However, should such an interest become apparent during the discussion the Member should immediately draw this to the attention of the Chairman and declare the nature of the interest so that a judgement on dispensation can be made by the meeting.

Registration of Interests

11. Within 28 days of the Member's election or the Co-opted Member's appointment (where that is later) to the Council the Member shall register through the Parish Clerk with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B. A form is available from the Parish Clerk to do this called the General Notice of Registrable Financial and Other Interests.
12. Similarly, upon the re-election of a Member or the re-appointment of a Co-opted Member, to the Council, they shall re-register within 28 days through the Parish Clerk with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B by completing a new form.
13. A Member, or Co-opted Member, shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it and notify the Parish Clerk so that the appropriate amendments can be made to the records held and posted by the Parish Clerk.
14. A Member need only declare the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the Member or a person connected with the Member to be subject to violence or intimidation.

Declaration of interests at meetings

15. It is the Members responsibility to make a meeting aware that they have an interest relevant to an item to be discussed. Members should declare that they have an interest as defined in Appendix A and Appendix B at the earliest opportunity, normally under General Business on the meeting agenda when declarations of interest are requested, before items for discussion and decision are considered.
16. Where a matter arises at a meeting which relates to an interest in Appendix A the Member shall not participate in a discussion or vote on the matter. The Member only has to declare what their interest is if it is not already entered in the Member's Register of Interests or if they have not notified the Monitoring Officer of it. In the interests of openness and transparency though the Member may decide to give a brief indication as to what the interest is as not all present at the meeting may be aware of the interests registered with the Monitoring Officer.
17. Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the Member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the Member shall disclose they have an interest but not the nature of it.
18. Where a matter arises at a meeting which relates to an interest in Appendix B, the Member shall not vote on the matter. The Member may speak on the matter only if members of the public are also allowed to speak at the meeting.
19. Whilst a Member is only required to declare their interest in Appendix B if it is not already entered in the Register of Interests or they have not notified the Monitoring Officer of it or if they speak on the matter; they should in the interests of openness and transparency declare that interest when requests for declarations of interest are made under General Business at the beginning of the meeting and give a brief indication as to what the interest is as not all present at the meeting may be aware of the interests registered with the Monitoring Officer. If the Member holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, they shall declare the interest but not the nature of the interest.
20. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest of a person in Appendix A), the Member shall disclose the nature of the interest and not vote on the matter. The Member may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the Member shall declare the interest but not the nature of the interest.

Section Three: Dispensation and Breaches

Dispensation to take part in a discussion and/or vote

21. On a written request made to the Parish Clerk, the Council may grant a Member a dispensation to participate in a discussion and vote on a matter at a meeting even if they have an interest in Appendices A and B, if the Council believes that the number of Members otherwise prohibited from taking part in the meeting would impede the transaction of the business, or it is in the interests of the inhabitants in the Council's area to allow the Member to take part, or it is otherwise appropriate to grant a dispensation.

Breaches of the Code

22. Any allegation received by the Council that a Member or Officer has failed to comply with the Code (including the Roles and Responsibilities Protocol) will be dealt with by the Council as set out below. If it is found that a Member or Officer has failed to comply with the Code, the Council has the right to have regard to this failure in deciding whether to take action and what action to take.
23. Breaches of the Code by Members are normally reported directly to the Monitoring Officer. The Monitoring Officer is a senior officer of Lewes District Council (the Principal Authority) who has statutory responsibility for maintaining the Register of Members' Interests (for both District and Town/Parish Members) and who is responsible for administering the system in respect of complaints of Member misconduct. As the Principal Authority Lewes District Council has adopted procedures for dealing with such complaints and this is available on their website www.lewes.gov.uk.
24. Should a breach of the Code by a Member be reported to a Member of the Parish Council, this should be referred to the Parish Clerk who will then inform the Monitoring Officer as soon as practicable and determine with them the appropriate course of action, which would normally be dealing with the allegation through the Principal Authority's Procedures.
25. Should a breach of the Code by an Officer be reported to the Council, initial investigation simply to clarify the circumstances will be undertaken by the Parish Clerk, or if the allegation relates to the Parish Clerk by the Chairman and/or Vice Chairman in consultation with the Sussex Association of Local Council's. Dependant on the results of this initial investigation the allegation will be dealt with through the appropriate stage of the Council's adopted Disciplinary Procedures.

Principal Pecuniary and Beneficial Interests

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses. 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 made between the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the Council: (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 held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partner which is within the area of the Council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners to occupy land in the area of the Council for a month or longer.
Corporate tenancies	Any tenancy where (to the member's knowledge): (a) the landlord is the Council; and (b) the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners 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 Council; 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 member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*'director' includes a member of the committee of management of an industrial and provident society.

**'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.

Other Interest

An interest which relates to or is likely to affect:

- (i) any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- (ii) 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 Council is a member or in a position of general control or management;
- (iii) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.

Declaration of Acceptance of Code of Conduct

I,
(please print your name)

undertake to observe and comply with the code as to the conduct which is expected of elected or co-opted members of South Heighton Parish Council as currently adopted by this authority.

As a Member or Co-opted Member of South Heighton Parish Council I recognise I have a responsibility to represent the whole community and work constructively with others to secure better social, economic and environmental outcomes for all residents.

When acting in this capacity I am committed to behaving in a manner that is consistent with the following principles of public life; selflessness, integrity, objectivity, accountability, openness, honesty, and leadership to achieve best value for residents and maintain public confidence in this authority.

Signed:
.....

Date:

This declaration was made and signed before Parish Clerk
and Proper Officer of South Heighton Parish Council.

Signed: