**Twyford and Thorpe Satchville Parish Council, Councillor Code of Conduct**

**Member Code of Conduct**

**Introduction**

Pursuant to section 27 of the Localism Act 2011, TWYFORD AND THORPE SATCHVILLE PARISH COUNCIL (‘the Council’) has adopted this Code of Conduct 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.

**Purpose of the Code of Conduct**

The purpose of this Code of Conduct is to assist you, as a member, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow members, Council officers and the reputation of the council and local government. It sets out the general principles expected of all members and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of the member and local government.

**Definitions**

For the purposes of this Code under section 27 (4) of the Localism Act 2011, a ‘co-opted member’ is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled/ not entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

For the purposes of this Code, a ‘meeting’ is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

**General principles of member conduct**

Everyone in public office at all levels; i.e. all who serve the public or deliver public services, including ministers, civil servants, members and council officers; should uphold the [Seven Principles of Public Life,](https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2) also known as the Nolan Principles. This Code of Conduct is based on those principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

Building on these principles, the following general principles have been developed specifically for the role of member and these principles underpin the obligations in the Code of Conduct that follows.

In accordance with the public trust placed in you, you should:

* act with integrity, honesty and be truthful;
* act solely in terms of public interest;
* act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias;
* act lawfully;
* not bully or harass any person;
* promote equalities and not discriminate unlawfully against any person;
* act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing;
* treat all persons fairly and with respect;

and

* lead by example and act in a way that secures public confidence in the role of member.

In undertaking your role you:

* will not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of the council;
* should impartially exercise your responsibilities in the interests of the local community;
* should not improperly seek to confer an advantage, or disadvantage, on any person, avoid conflicts of interest;
* should exercise reasonable care and diligence;
* should ensure that public resources are used prudently in accordance with your Council’s requirements and in the public interest;

and

* will uphold high standards of conduct, show leadership at all times and not misuse your position when acting as a member;
* will not bring your role or Council into disrepute or conduct yourself in a manner which could reasonably be regarded as bringing your role or Council into disrepute.

**Application of the Code of Conduct**

This Code of Conduct applies to you as a member or co-opted member of the Council. It applies as soon as you sign your declaration of acceptance of the office of member or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a member.

This Code of Conduct applies to you when you:

* act in your capacity as a member or co-opted member of the Council;

and,

* conduct the business of the Council (which, in this Code, includes the business of the office to which you are elected or appointed).

Where you act as a representative of the Council:

* on another relevant authority, you must, when acting for that other authority, comply with that other authority’s code of conduct;

or,

* on any other body, you must, when acting for that other body, comply with this Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

The Code applies to all forms of communication and interaction.

**Member obligations**

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, you have the following obligations.

1. You will use the resources of the Council in accordance with its requirements;

2. You will behave in such a way that a reasonable person would regard as respectful;

3. You will not act in a way which a reasonable person would regard as bullying or intimidatory;

4. You will not seek to improperly confer an advantage or disadvantage on any person;

5. You will not improperly use knowledge gained solely as a result of your role as a member for the advancement of yourself, your friends, your family members, your employer or their business interests;

6. You will not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties;

7. When reaching decisions on any matter, you will have regard to any relevant advice provided to you by officers and professional third parties.

8. You will be as open as possible about your decisions and actions and the decisions and actions of the Council and will be prepared to give reasons for those decisions and actions, notwithstanding your other obligations under this Code.

9. You will not disclose information which is confidential or where disclosure is prohibited by law or, disclose information given in confidence by anyone, or information acquired 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: -

(1) reasonable and in the public interest;

(2) made in good faith and in compliance with the reasonable requirements of the authority;

(3) consulted with the Clerk prior to its release.

10. You will cooperate with any Code of Conduct investigation and/or determination;

11. You will not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings;

12. You will comply with any sanction imposed on you following a finding that you have breached the Code of Conduct.

13. You will not prevent another person from gaining access to information to which that person is entitled by law.

**Registration of interests**

13. Within 28 days of this Code being adopted by the Council, or the member’s election or the co-opted member’s appointment (where that is later), you will register with the Principal Officer (Clerk), the interests which fall within the categories set out in Appendices A and B;

14. Upon the re-election of a member or the re-appointment of a co-opted member, they shall within 28 days, re-register with the Principal Officer any interests in Appendices A and B;

15. A member shall register with the Principal Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it;

16. A member need only declare the existence but not the details of any interest which the Principal 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, intimidation or harassment.

The member should note that failure to register or disclose a disclosable pecuniary interest as defined in Appendix B, is a criminal offence under the Localism Act 2011.

**Declaration of interests at meetings**

17. 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. They only have 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 Principal Officer (Clerk) of it;

18. 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 Principal Officer (Clerk), the member shall disclose he/ she has an interest but not the nature of it;

19. Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall not vote on the matter. He/ she may speak on the matter only if members of the public are also allowed to speak at the meeting;

20. A member only has to declare their interest in Appendix B if it is not already entered in their register of interests or they have not notified the Principal Officer (Clerk), of it or if he/ she speaks on the matter. If he/ she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/ she shall declare the interest but not the nature of the interest;

21. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest in Appendix A), the member shall disclose the nature of the interest and not vote on the matter. He /she 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.

**Dispensations**

22. On a written request made to the Council’s Principal Officer (Clerk), the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he/ she has 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.

Appendix A sets out the situations where a Member’s personal interest in a matter may prevent them from participating in the decision-making process. In certain circumstances, however, there may be reasonable grounds to allow a Member to participate in decision-making on that matter where it would be in the public interest to do so. Where you consider that there may be good grounds for you to continue to participate you should request a dispensation from the Monitoring Officer.

**Appendix A Interests described in the table below.**

**Disclosable Pecuniary Interest”** means any interest described as such in the [Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012](https://www.legislation.gov.uk/uksi/2012/1464/made) and includes an interest of you or of your Partner (if you are aware of your Partner's interest) that falls within the descriptions set out in the following table. A Disclosable Pecuniary Interest is a Registerable Interest.

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| *Subject* | *Description* |
| **Employment, office, trade, profession or vocation** | Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.] |
| **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 – 1. under which goods or services are to be provided or works are to be executed; and
2. which has not been fully discharged.
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| **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. |
| **Licenses** | Any licence (alone or jointly with others) 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 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, load 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.

**"Partner"** means a spouse or civil partner, or 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.

Appendix B

**“Registrable Interests”** are interests that you are required to register in accordance with this Code of Conduct and include both Disclosable Pecuniary Interests and Other Registerable Interests.

An interest which relates to or is likely to affect:

1. 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;
2. 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) the member will not accept gifts or hospitality, irrespective of the estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on the members part to show favour from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage.

(iv) the member will register with the Principal Officer (Clerk) any gifts or hospitality with an estimated value of at least £50 which the member has received by virtue of his or her office or has been offered but have refused to accept.

**Declaration at and Participation in Meetings**

If the member is present at a meeting and they have either a Registerable or Non-Registerable Interest in any matter to be considered or being considered, and the interest is not a Sensitive Interest, they must disclose that interest to the meeting (whether or not it is registered).

To determine whether their interest affects their ability to participate in a meeting, they must first determine what type of interest they have and, if necessary, go on to apply the tests as set out below.

**Disclosable Pecuniary Interests**

1. Where a matter arises at a meeting which **directly relates** to one of their Disclosable Pecuniary Interests:
	1. you must disclose the interest;
	2. not participate in any discussion or vote on the matter; and
	3. must not remain in the room unless you have been granted a Dispensation.

**Other Registerable Interests**

1. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of their Other Registerable Interests:
2. the member must disclose the interest;
3. may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and
4. must not remain in the room unless the member has been granted a Dispensation.

**Non-Registerable Interests**

1. Where a matter arises at a meeting which **directly relates** to a financial interest or the well-being of the member or of a friend, relative or close associate (and is not a Registerable Interest):
2. the member must disclose the interest;
3. may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and
4. must not remain in the room unless you have been granted a Dispensation.
5. Where a matter arises at a meeting which does not directly relate to but **affects**
6. a financial interest or the well-being of the member or of a friend, relative or close associate; or
7. a financial interest or wellbeing of a body included in those the member needs to disclose under Other Registerable Interests

the member must disclose the interest. In order to determine whether the member can remain in the meeting after disclosing the interest the following test in paragraphs C and D. should be applied.

1. Where a matter under paragraph B. **affects** the financial interest or well-being or body:
2. to a greater extent than it affects the financial interests or wellbeing of the majority of inhabitants of the ward affected by the decision; and
3. a reasonable member of the public knowing all the facts would believe that it would affect the members view of the wider public interest;

The member may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a Dispensation.

1. Where a matter under paragraph B. does not affect the financial interest or well-being or body:
2. to a greater extent than it affects the financial interests or wellbeing of the majority of inhabitants of the ward affected by the decision; and/or
3. a reasonable member of the public knowing all the facts would not believe that it would affect the members view of the wider public interest;

The member may remain in the room, speak if they wish to and take part in any discussion or vote on the matter, provided they have disclosed their interest under paragraph B.

***Twyford and Thorpe Satchville Parish Council is committed to reviewing its Model Code on an annual basis to ensure it is still fit for purpose.***



