

Westerleigh Parish Council: Code of Conduct for Members & Officers

Revised January 2020. Approved at Parish Council meeting 13.1.2020.

1 Application

This Code of Conduct applies to you whenever you are acting in your capacity as a member of Westerleigh Parish Council, including –

- 1.1 At formal meetings of the Council, its Committees and Sub-Committees,
- 1.2 When acting as a representative of the authority (including to groups, media, or online forum)
- 1.3 In taking any decision as a Parish Councillor
- 1.4 In discharging your functions as a Parish Councillor
- 1.5 At briefing meetings with officers
- 1.6 At site visits
- 1.7 When corresponding with the local authority other than in a private capacity

2 General Conduct

As an elected member, co-opted member, or officer of Westerleigh Parish Council you have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

When speaking as a Councillor or Officer your comments will reflect the overall Parish Council policy even if that is not your personal view.

You will respect the good image of the Parish Council

When speaking as a private individual you will uphold the reputation of the Parish Council and those who work within it

In accordance with the Localism Act provisions, when acting in this capacity you are committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

CONFIDENTIALITY: You will respect the rights of residents and fellow members or officers as far as confidentiality

As a Member or Officer of Westerleigh Parish Council, conduct will in particular address the statutory principles of the code of conduct by:

- Championing the needs of residents – the whole community and in a special way constituents, including those who did not vote for the member
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of self or others, to deter you from pursuing constituents' casework, the interests of the Authority's area or the good governance of the authority in a proper manner.
- Exercising independent judgement and not compromising the position by placing yourself under obligations to outside individuals or organisations who might seek to influence the way you perform duties as a member/co-opted member of this authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding members to account but restricting access to information when the wider public interest or the law requires it

- Behaving in accordance with all legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.
- Valuing colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect that is essential to good local government.
- Always treating people with respect, including the organisations and public that are engaged with and work alongside the member or officer.
- **Not bullying or harassing any other person.**

Bullying and harassment means any unwanted behaviour that makes someone feel intimidated, degraded, humiliated or offended. It is not necessarily always obvious or apparent to others.

Bullying or harassment can be between two individuals or it may involve groups of people. It might be obvious or it might be insidious. It may be persistent or an isolated incident. It can occur as a result of any form of contact, (verbal or written) examples of how bullying or harassment might occur includes via written communications, by phone, email, via social media or face-to-face .

Examples of bullying / harassing behaviour could include:

- spreading malicious rumours, or insulting someone
- exclusion or victimisation
- unfair treatment
- deliberately undermining a competent worker by constant criticism].

The above are examples of how bullying or harassment may occur and of what may constitute bullying or harassment. The examples are not exhaustive.

Westerleigh Parish Council also has a separate Bullying & Harassment Policy which can be found at

<http://www.westerleighparishcouncil.org.uk/wp-content/uploads/2014/08/Bullying-and-Harassment-Policy.pdf>

- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

A member must—

- (a) promote equality by not discriminating unlawfully against any person;
- (b) treat others with respect; and

(c) not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the authority.

(d) if a Parish Councillor becomes aware of any conduct by another member which they reasonably believe involves a failure to comply with the authority's code of conduct, they make a written allegation to that effect to the Monitoring Officer as soon as it is practicable to do so.

(e) when using or authorising the use by others of the resources of the authority—
(i) act in accordance with the authority's requirements; and

(ii) ensure that such resources are not used for 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 of the office to which the member has been elected or appointed.

A member must not—

(a) disclose information given to them in confidence by anyone, or information acquired which is of a confidential nature, without the consent of a person authorised to give it, or unless required by law to do so; nor

(b) prevent another person from gaining access to information to which that person is entitled by law.

(c) conduct themselves in a manner which could reasonably be regarded as bringing the office of Parish Councillor or the Parish Council or local authority into disrepute.

(d) in official capacity, or any other circumstance, use the position as a member improperly to confer on or secure for themselves or any other person, an advantage or disadvantage;

3 Disclosable Pecuniary Interests

A Parish Councillor must –

3.1 Comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which there is a disclosable pecuniary interest

3.2 Ensure that their register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of their disclosable pecuniary interests

3.3 Make verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which they are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent

3.4 "Meeting" means any meeting organised by or on behalf of the authority, including –

3.4.1 any meeting of the Parish Council, or a Committee or Sub-Committee of Council

3.4.2 any meeting of the local authority (SGC)

3.4.3 at any site visit to do with the business of the Parish Council or Local Authority

4 Other Interests

4.1 In addition to the requirements of Paragraph 3, if attending a meeting at which any item of business is to be considered and there is a “non-disclosable pecuniary interest or non-pecuniary interest” in that item, Parish Councillors must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent

4.2 A “non-disclosable pecuniary interest or non-pecuniary interest” in an item of business of your authority exists where –

4.2.1 a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of the member or a member of their family or a person with whom they have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which they have been elected or otherwise of the authority’s administrative area, or

4.2.2 it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code, but in respect of a member of their family (other than a “relevant person”) or a person with whom they have a close association and that interest is not a disclosable pecuniary interest.

5 Gifts and Hospitality

5.1 Councillors must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 or totalling £100 over a year from a single source which you have accepted as a member from any person or body other than the authority.

5.2 The Monitoring Officer will place the notification on a public register of gifts and hospitality.

5.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.

NOTICE TO INDIVIDUAL PARISH COUNCILLORS

REGISTERING AND DECLARING PECUNIARY AND NON-PECUNIARY INTERESTS

The Localism Act 2011 provides for registration and disclosure of interests and in Westerleigh Parish Council/S Gloucestershire Council this will be done as follows:

You must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners. (See Appendix1)

In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.

If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.¹

¹ A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your authority.

REGISTRATION OF PECUNIARY INTERESTS
LOCALISM ACT 2011 – SECTION 29 AND 30 AND THE RELEVANT
AUTHORITIES (DISCLOSABLE PECUNIARY INTERESTS) REGULATIONS 2012

I, [FULL NAME IN CAPITAL LETTERS]
a member of
give notice that

COUNCIL

I, and to the best of my knowledge my spouse/civil partner, person with whom I live as husband or wife, or person with whom I live with as a civil partner (i.e. being relevant persons in accordance with the regulations) have the following pecuniary interests which are specified for the purpose of section 30(3) of the Localism Act 2011 (PLEASE STATE NONE WHERE APPROPRIATE).

1. Employment, office, trade, profession or vocation

Any employment, office, trade, profession or vocation carried on for profit or gain.

Member

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Spouse/Civil Partner/Cohabitee

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2. Contracts

Any contract which is made between you and/or your spouse/civil partner/cohabitee (or a body in which you and/or your spouse/civil partner/cohabitee have a beneficial interest) and the authority of which you are a member:

- (a) under which goods or services are to be provided or works are to be executed; and
- (b) which has not been fully discharged.

Member

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Spouse/Civil Partner/Cohabitee

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3. **Land**

Any beneficial interest in land which is within the area of your authority
Please specify so that the land is clearly identified.

Member

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Spouse/Civil Partner/Cohabitee

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4. **Licences**

Any licence (alone or jointly with others) to occupy land in the area of your authority for a month or longer.

Member

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Spouse/Civil Partner/Cohabitee

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5. **Corporate Tenancies**

Any tenancy where (to your knowledge):

- (a) the landlord is your authority; and
- (b) the tenant is a body in which you and/or your spouse/civil partner/cohabitee has a beneficial interest.

Member

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Spouse/Civil Partner/Cohabitee

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6. **Securities**

Any beneficial interest in securities of a body where:

- (a) that body, to your knowledge, has a place of business or land in the area of your 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 you and/or your spouse/civil partner/cohabitee has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Member

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Spouse/Civil Partner/Cohabitee

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7. Sponsorship (only applies to Member)

Any payment or provision of any other financial benefit (other than from your authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your 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(a).

Member

Other Interests as specified in your Council's Code of Conduct

Member

Spouse/Civil Partner/Cohabitee

Date:

Note:

Please check your entries in the register regularly to ensure that they are up to date.

Explanatory Notes

For the purposes of this form –

“relevant person” means that a pecuniary interest is a ‘disclosable pecuniary interest’ in relation to you if it is your interest, or it is an interest of yourself or:

(i) your spouse or civil partner,

(ii) a person with whom you are living as husband and wife, or

(iii) a person with whom you are living as civil partners, and you are aware that the other person has the interest.

“relevant period” means 12 months ending with the day on which the member gives the notification.

“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 or management of an industrial and provident society;

“land” includes 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; and

“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 with a building society.
