

BOURNHEATH PARISH COUNCIL

MEMBERS' CODE OF CONDUCT

Part 1

General provisions

1. Introduction and interpretation

- 1) This Code applies to all members or co-opted members of Bournheath Parish Council.
- 2) This Code should be read together with the Ten Principles of Public Life which are set out in Appendix 1 (page 6).
- 3) It is the responsibility of all members to comply with the provisions of this Code.
- 4) In this Code—

"meeting" means any meeting of

- a) the Parish Council;
- b) any of the Parish Council's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"Monitoring Officer" means the Monitoring Officer for the principal Council which is Bromsgrove District Council;

2. Scope

- 1) This Code applies to all Parish Council members when acting in the role of Member or as a representative of the Parish Council in the circumstances described in para 2 (b) below.
- 2) Where acting as a representative of the Parish Council:
 - a) on another relevant authority, members must, when acting for that other authority, comply with that other authority's code of conduct; or
 - b) on any other body, members must, when acting for that other body, comply with the Parish Council's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3. General obligations

- 1) Members must treat others with respect.
- 2) Members must not:
 - (a) do anything which may cause the Parish Council 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 themselves) has failed to comply with the Parish Council's Code of Conduct;
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Parish Council.

4.

Members must not:

- a) disclose information given in confidence by anyone, or information acquired which is believed, or which a member ought reasonably to be aware, is of a confidential nature, except where:
 - (i) the member has the consent of a person authorised to give it;
 - (ii) the member is 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:
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the Parish Council; or
- b) prevent another person from gaining access to information to which that person is entitled by law.

5.

Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or the Parish Council into disrepute.

6. Members:
- (a) must not use or attempt to use their position as a member improperly to confer on or secure for themselves or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of, or under the control of, the Parish Council:
 - (i) act in accordance with the Parish Council'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.
7. Members must:
- (a) when reaching decisions on any matter have regard to any relevant advice provided by the Parish Council's officers; and
 - (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Parish Council.
8. Members must not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of official duties.

Part 2

Interests

9. Disclosable Pecuniary Interests ("DPI")
- (1) Members will have a Disclosable Pecuniary Interest ("DPI") under this Code if:-
- (a) such interest meets the definition prescribed by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and as amended from time to time and as set out in Appendix 2 to this Code; and
 - (b) it is either an interest of the member, or it is an interest of :-
 - (i) the member's spouse or civil partner; or
 - (ii) a person with whom the member is living as husband and wife: or
 - (iii) a person with whom the members is living as if civil partners; andthe member is aware that the other person has the interest.

10. Registration of DPIs

- (1) Members must within 28 days of becoming a member of the Parish Council or being re-elected notify the Monitoring Officer in writing of any DPI held at the time notification is given.
- (2) Members must within 28 days of becoming aware of any new DPI, or changes to existing DPIs notify the Monitoring Officer in writing.

11. Other Disclosable Interests

- (1) Members will have a Disclosable Interest in any matter if they are aware that they or a member of their family or person or organisation with whom they are associated have a:-
 - a) pecuniary interest in the matter under discussion which is not de minimus ie not trivial or insignificant; or
 - b) a close connection with the matter under discussion.
- (2) If a member is also a member of another local authority, or public body, or they have been appointed as the Council's representative on an outside body, they do not have a Disclosable Interest unless a member of the public knowing the circumstances would reasonably regard membership of the body concerned as being likely to prejudice the Parish Councillor's judgment of what is in the public interest.

12. Disclosure of Interests

(1) DPIs: formal meetings

If a member is present at a meeting of the Council and they have a DPI then they must:

- a) Disclose the nature and existence of the interest; and
- b) Leave the meeting (including the meeting room and public gallery) and take no part in the discussion ; and
- c) If the interest has not already been recorded notify the Monitoring Officer of the interest within 28 days beginning with the date of the meeting.

(2) DPIs: informal meetings

If members have a DPI they must not participate in informal meetings or briefings and site visits and must disclose the DPI in any correspondence with the Council.

(3) Other Disclosable Interests

If members are present at a meeting of the Council and they have an Other Disclosable Interest then they must:

- a) Disclose the nature and existence of the interest; and
- b) If the interest affects their pecuniary interests or relates to the determination of a planning or regulatory matter; and
- c) If the interest is one which a member of the public knowing the circumstances would reasonably regard as being likely to prejudice their judgment of what is in the public interest,

then they must leave the meeting (including the meeting room and public gallery) and take no part in the discussion.

(4) Dispensations

Members may take part in the discussion of and vote on a matter in which they have been granted a dispensation.

13. Sensitive Information

- (1) An interest will be a sensitive interest if the two following conditions apply:
 - (a) That a member has an interest (whether or not a DPI); and
 - (b) The nature of the interest is such that the member and the Monitoring Officer consider that disclosure of the details of the interest could lead to the member or a person connected to the member being subject to violence or intimidation.
- (2) Where it is decided that an interest is a “sensitive interest” it will be excluded from published versions of the register. The Monitoring Officer may state on the register that the member has an interest the details of which are excluded under this section.
- (3) Where the sensitive interest is a DPI the usual rules relating to disclosure will apply save that the member will only be required to disclose that they hold a DPI in the matter concerned.

APPENDIX 1 (page 6)

The Ten Principles of Public Life

APPENDIX 2 (pages 7-8)

The Localism Act Definition of Disclosable Pecuniary Interests Regulations

The Ten Principles of Public Life

- 1. Selflessness**
Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
- 2. Honesty and Integrity**
Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
- 3. Objectivity**
Members should make decisions 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. Personal Judgement**
Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.
- 7. Respect for Others**
Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.
- 8. Duty to Uphold the Law**
Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.
- 9. Stewardship**
Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.
- 10. 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.

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

<i>Subject</i>	<i>Prescribed description</i>
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 a member of a relevant authority in carrying out duties as a member, or towards the election expenses of a member of a relevant authority. 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 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 the knowledge of a member of a relevant authority)— (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— (a) that body (to the knowledge of a member of a relevant authority) 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.

Definitions:

“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;

“member” includes a co-opted member;

“relevant authority” means the authority of which the member is a member;

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

“relevant person” means a member of a relevant authority 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.

***Section 30(1) – Disclosure of pecuniary interests on taking office**

A member or co-opted member of a relevant authority must, before the end of 28 days beginning with the day on which the person becomes a member or co-opted member of the authority notify the authority’s monitoring officer of any Disclosable pecuniary interest which the person has at the time when the notification is given.

****Section 31(7) - Pecuniary interests in matters considered at meetings or by a single member**

If the interest is not entered in the authority’s register and is not the subject of a pending notification, the member must notify the authority’s monitoring officer of the interest before the end of 28 days beginning with the date when the member becomes aware that the condition in subsection (6)(b) is met in relation to the matter.

~Section 30(3)(b) (Definition of any other Relevant Person)

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 they were civil partners.