STRETTON PARISH COUNCIL

CODE OF CONDUCT FOR COUNCILLORS

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1 INTRODUCTION AND INTERPRETATION

1.1 The Council has adopted this Code of Conduct to set out the standards required by Councillors and Co-opted Members of Stretton Parish Council.

1.2 The Code is consistent with the General Principles set out in Appendix 1 and the provisions of S29(1) Localism Act 2011.

1.3 In this Code:

1.3.1 "Co-opted Member" means a person who is not a member of Stretton Parish Council but who:

1.3.1.1 is a member of any committee or sub-committee of the Council, or

1.3.1.2 is a member of, and represents the Council on, any joint committee or joint sub-committee of the Council,

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

1.3.2 "Councillor" includes members and Co-opted Members of Stretton Parish Council.

1.3.3 "interest" means a Disclosable Pecuniary Interest (see paragraph 4) or an Ordinary Interest (see paragraph 6).

1.3.4 "meeting" means any meeting of:

1.3.4.1 the Council;

1.3.4.2 any of the Council's, committees, sub-committees, joint committees, joint sub-committees, or area committees;

1.3.4.3 any briefings by officers and site visits organised by the Council;

whether or not the press and public are excluded from the meeting.

1.3.5 "Relevant Person" means the Councillor or:

1.3.5.1 that Councillor's spouse or civil partner;

1.3.5.2 a person with whom that Councillor is living as husband and wife; or

1.3.5.3 a person with whom that Councillor is living as if they were civil partners.

1.3.6 an interest is "subject to a pending notification" if the interest has been notified to the Council's Monitoring Officer under paragraph 5 but has not been entered in the Council's register in consequence of that notification.

2 SCOPE

2.1 Councillors must comply with this Code whenever they:

2.1.1 conduct the business of the Council (which, in this Code, includes the business of the office to which they are elected or appointed); or

2.1.2 act as a representative of the Council,

and references to their official capacity are construed accordingly.

2.2 This Code only has effect in relation to the conduct of a Councillor when they are acting in their official capacity.

2.3 Where a Councillor acts as a representative of the Council:

2.3.1 on another relevant authority which has a code of conduct, they must, when acting for that other authority, comply with that other authority's code of conduct; or

2.3.2 on any other body, they must, when acting for that other body, comply with the 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

RESPECT ETC.

3.1 Councillors must treat others with respect.

3.2 Councillors must comply with their statutory obligations.

3.3 Councillors must not do anything which may cause the Council to breach any of the equality enactments.

3.4 Councillors must not bully any person.

3.5 Councillors must not intimidate nor attempt to intimidate any person who is or is likely to be:

3.5.1 a complainant;

3.5.2 a witness; or

3.5.3 involved in the administration of any investigation or proceedings,

in relation to an allegation that a Councillor (including that Councillor) has failed to comply with their authority's code of conduct.

3.6 Councillors must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

CONFIDENTIAL INFORMATION ETC.

3.7 Councillors must not disclose information given to them in confidence by anyone, or information acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, except where:

3.7.1 they have the consent of a person authorised to give it;

3.7.2 they are required by law to do so;

3.7.3 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

3.7.4 the disclosure is:

3.7.4.1 reasonable and in the public interest; and

3.7.4.2 made in good faith and in compliance with the reasonable requirements of the Council.

3.8 Councillors must not prevent another person from gaining access to information to which that person is entitled by law.

DISREPUTE

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

IMPROPER ADVANTAGE ETC

3.10 Councillors must not use or attempt to use their position as a councillor improperly to confer on or secure for themselves or any other person, an advantage or disadvantage.

3.11 Councillors must, when using or authorising the use by others of the resources of the Council:

3.11.1 act in accordance with the Council's reasonable requirements;

3.11.2 ensure that such resources are not used improperly for political purposes (including party political purposes).

3.12 Councillors must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

DECISION MAKING

3.13 When reaching decisions on any matter, Councillors must have regard to any relevant advice provided to them by:

3.13.1 the Council's Clerk / Responsible Officer

where that officer is acting pursuant to their statutory duties.

3.14 Councillors must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

INVESTIGATIONS

3.15 Councillors must co-operate with any investigations or other procedures in relation to an alleged breach of this Code of Conduct.

4 DISCLOSABLE PECUNIARY INTERESTS

4.1 A Councillor has a Disclosable Pecuniary Interest in any business of the Council if the interest is of a description set out in paragraph 4.2 below and is an interest of a Relevant Person and, if the Relevant Person is not the Councillor, the Councillor is aware that that other person has the interest.

4.2 "Disclosable Pecuniary Interests" are as defined from time to time by the Secretary of State in Regulations. The Regulations current at the time of adoption of this Code are The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and are set out in Appendix 2.

5 REGISTRATION OF DISCLOSABLE PECUNIARY INTERESTS

5.1 Subject to paragraph 7, Councillors must, within 28 days of this Code being adopted by the Council or their election or appointment to office (whichever is the later), register in the Council's Register of Councillors' Interests (maintained under section 29(1) of the Localism Act 2011) details of their Disclosable Pecuniary Interests (as referred to in paragraph 4 above) by completing the appropriate form and delivering this to the Council's Monitoring Officer.

5.2 Subject to paragraph 7, Councillors must, within 28 days of becoming aware of any Disclosable Pecuniary Interests (as referred to in paragraph 4 above) which they have not registered, or any change to such an interest which they have registered under paragraph 5.1, register details of that unregistered interest or change by completing the appropriate form and delivering this to the Council's Monitoring Officer.

6 ORDINARY INTERESTS

6.1 A Councillor has an "Ordinary Interest" in any business of the Council where it is not a Disclosable Pecuniary Interest but either:

6.1.1 a decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:

6.1.1.1 the Councillor;

6.1.1.2 a member of the Councillor's family; or

6.1.1.3 any person with whom they have a close association

to a greater extent than it would affect the majority of other council tax payers, ratepayers or inhabitants of the electoral ward for which the Councillor has been elected; or

6.1.2 it relates to or is likely to affect any of the interests listed in the table of Disclosable Pecuniary Interests set out in Appendix 2 but in respect of a member of the Councillor's family (other than a Relevant Person) or of any person with whom they have a close association.

7 SENSITIVE INFORMATION

7.1 Paragraphs 7.2 and 7.3 apply where:

7.1.1 a Councillor has an interest (whether or not a Disclosable Pecuniary Interest), and

7.1.2 the nature of the interest is such that the Councillor, and the Council's Monitoring Officer, decide in writing that disclosure of the details of the interest could lead to the Councillor, or a person connected with the Councillor, being subject to violence or intimidation.

7.2 If the interest is entered in the Council's register, copies of the register that are made available for inspection, and any published version of the register, will not include details of the interest (but may state that the Councillor has an interest the details of which are withheld under subsection 32(2) Localism Act 2011).

7.3 If paragraph 8.2 or paragraph 10.4 applies in relation to the interest, that paragraph is to be read as requiring the Councillor to disclose not the interest but merely the fact that the Councillor has an interest in the matter concerned.

7.4 If a Councillor becomes aware of any change of circumstances which means that information excluded from the register under paragraph 7.2 is no longer sensitive information, they must notify the Council's Monitoring Officer so that the register can be amended.

8 DISCLOSURE OF INTERESTS AT MEETINGS

8.1 Paragraphs 8.2 and 8.3 apply if a Councillor:

8.1.1 is present at a meeting;

8.1.2 has a Disclosable Pecuniary Interest or an Ordinary Interest in any matter to be considered, or being considered, at the meeting; and

8.1.3 is aware or ought reasonably to be aware that the condition in paragraph 8.1.2 is met.

8.2 Subject to paragraph 7.3, the Councillor must disclose the existence and the nature of the interest to the meeting.

8.3 If the interest is a Disclosable Pecuniary Interest which is not entered in the Council's register and is not the subject of a pending notification, the Councillor must notify the Council's Monitoring Officer of the interest as soon as possible and in any event before the end of 28 days beginning with the date of the disclosure.

9 PARTICIPATION AT MEETINGS

9.1 Paragraph 9.2 applies if a Councillor:

9.1.1 is present at a meeting;

9.1.2 has either:

9.1.2.1 a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at the meeting; or

9.1.2.2 an Ordinary Interest in any matter to be considered, or being considered, at the meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgment of the public interest; and

9.1.3 in the case of an Ordinary Interest, is aware or ought reasonably to be aware that the condition in paragraph 9.1.2.2 is met.

9.2 Subject to paragraph 11, the Councillor:

9.2.1 may not participate, or participate further, in any discussion of the matter at the meeting,

9.2.2 may not participate in any vote, or further vote, taken on the matter at the meeting; and

9.2.3 must withdraw from the room where the meeting considering the business is being held.

10 MATTERS CONSIDERED BY A SINGLE COUNCILLOR

10.1 This paragraph applies if:

10.1.1 a function of the Council may be discharged by a Councillor acting alone;

10.1.2 a Councillor has either a Disclosable Pecuniary Interest or an Ordinary Interest in any matter to be dealt with, or being dealt with, by that Councillor in the course of discharging that function; and

10.1.3 in the case of an Ordinary Interest, the Councillor is aware, or ought reasonably to be aware, of that interest.

10.2 If the interest is a Disclosable Pecuniary Interest which is not entered in the Council's register and is not the subject of a pending notification, the Councillor must notify the Council's Monitoring Officer of the interest as soon as possible and in any event before the end of 28 days beginning with the date when the Councillor becomes aware, or ought reasonably to be aware, of that interest in relation to that matter.

10.3 If the interest is either:

10.3.1 a Disclosable Pecuniary Interest; or

10.3.2 an Ordinary Interest where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgment of the public interest

the Councillor must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the Councillor).

10.4 Subject to paragraph 7.3, the Councillor must ensure that any written statement of any decision taken by them in relation to that business records the existence and nature of that interest.

11 DISPENSATIONS

11.1 The Council may, on a written request made to the Council's Monitoring Officer by a Councillor, grant a dispensation relieving the Councillor from all or any of the restrictions in paragraph 9.2 in cases described in the dispensation.

11.2 The Council may grant a dispensation under paragraph 11.1 only if, after having had regard to all relevant circumstances, the Council considers that:

11.2.1 without the dispensation the number of persons prohibited by Section 31(4) Localism Act 2011 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,

11.2.2 without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,

11.2.3 granting the dispensation is in the interests of persons living in the authority's area,

11.2.4 without the dispensation each member of the Council's executive would be prohibited by Section 31(4) Localism Act 2011 from participating in any particular business to be transacted by the Council's executive, or

11.2.5 it is otherwise appropriate to grant a dispensation.

11.3 A dispensation under paragraph 11.1 must specify the period for which it has effect, and the period specified may not exceed four years.

11.4 Paragraph 9.2 does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under paragraph 11.1.

THE GENERAL PRINCIPLES

Selflessness

1. Councillors should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

2. Councillors 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.

Objectivity

3. Councillors should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Councillors 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.

Openness

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

Personal Judgement

6. Councillors 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.

Respect for Others

7. Councillors 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.

Duty to Uphold the Law

8. Councillors should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

9. Councillors should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

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

DISCLOSABLE PECUNIARY INTERESTS

In this Appendix:

"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;

"M" means a member of a relevant authority;

"member" includes a co-opted member;

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

"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;

"relevant person" means M 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.

Subject	*Prescribed description*
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.

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.