

MEMBERS' CODE OF CONDUCT

Local Code of Conduct adopted at Parish Council meeting on 20th July 2015, revised and adopted Sept 2018. Second revision and adoption September 2019.

Date of current revision and adoption: 21.09.2021

PURPOSE OF THE CODE OF CONDUCT

The purpose of this Code of Conduct is to assist Councillors, by stating the behaviour that is expected and to set out the type of conduct that could lead to action being taken against Councillors. It is also to protect the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and 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 Parish Council and local government.

Part 1 - GENERAL PROVISIONS

PUBLIC DUTY AND PRIVATE INTERESTS: An introduction

1. This Code applies to all Members and Co-opted Members of Broadhembury Parish Council (from this point known as the Council or 'BPC').
- 1.2 Members must have regard to the Principles of Public Life namely, selflessness, honesty/integrity, objectivity, accountability, openness, personal judgment, respect for others, duty to uphold the law, stewardship and leadership.
- 1.3 Members of the Council :-
 - (a) must act solely in the public interest and must never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for a family, friend or close associate;
 - (b) must not receive payments or place themselves under a financial or any other obligation to outside individuals or organisations that might seek to influence a Member in the performance of his/her official duties;
 - (c) must make all choices on behalf of BPC on merit, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits,
 - (d) are accountable to the public for decisions and must fully co-operate with any scrutiny that is appropriate to the office;

- (e) must be transparent about decisions and actions and the decisions and actions of the Council and should be prepared to give reasons for those decisions and actions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council or contained in its Standing Orders.
- (f) must declare any private interests that relate to public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out at Part 2 of this Code;
- (g) must, when using or authorising the use by others of the resources of the Council, ensure that such resources are not used improperly or for political purposes (including party political purposes) and that any use is in accordance with the Council's reasonable requirements;
- (h) must promote, encourage and support high standards of conduct when serving in public office.

- 1.4 Although Members may be influenced by the views of others it a Member's responsibility alone to decide what view to take on any question which Members have to decide.
- 1.5 Members must not do anything which cannot be justified to the public.
- 1.6 The reputation of the Council depends on the conduct of its Members.
- 1.7 It is not enough to avoid actual impropriety, at all times any occasion for suspicion or the appearance of improper conduct should be avoided.
- 1.8 It is the personal responsibility of Members to comply with this Code.

DEFINITIONS

2 In this Code –

“interest or interests” have the meanings set out in Part 2 of this Code “meeting” means any meeting of –

- the Council;
- any of the Council's Committees, Sub-Committees, , or Joint Sub-committees of one or more Members, formal or informal with or without the Clerk, relating to the discharge of the Council's functions where a formal record is made by a Council officer

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

"Relevant person" means:

- the Member
- the Member's spouse or civil partner; or
- a person with whom the Member lives as husband and wife or as if they were civil partners and the Member is aware that the other person has an interest

"relevant period" means a period of 12 months ending with the date on which the Member notified EDDC's Monitoring Officer of an interest.

SCOPE

3. Members must comply with this Code whenever acting in an official capacity, when:
 - (a) engaged on the business of the Council; or
 - (b) giving a reasonable person the impression that he/she is acting as a representative of the Council.

GENERAL OBLIGATIONS

4. Members **must** –
 - (a) treat others with courtesy and respect,
 - (b) when reaching decisions on any matter, do so on the merits of the circumstances and in the public interest and have reasonable regard to any relevant advice provided to you by the Clerk.
- 4.1 Members **must not** –
 - (a) attempt to use his/her position as a Member improperly to confer on or secure for themselves or any other person, an advantage or disadvantage;
 - (b) do anything which may cause the Council to breach a statutory duty.
 - (c) bully any person (bullying may be characterised as any pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse or misuse of power, authority or position, which attempts to undermine or coerce or has the effect of undermining or coercing an individual or group of individuals by gradually eroding their confidence or capability which may cause them to suffer stress or fear);
 - (d) 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 any member has failed to comply with this Code of Conduct
 - (e) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council;
 - (f) disclose information given in confidence by anyone, or information acquired which is believed, or ought reasonably to be aware, is of a confidential nature, except where –
 - (i) the consent of a person authorised to give it; has been secured;
 - (ii) the law requires disclosure;
 - (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 –

- (A) in the public interest; and
 - (B) made in good faith and
 - (C) in compliance with the reasonable requirements of the Council;
- (g) prevent another person from gaining access to information to which that person is entitled by law;
 - (h) conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office or the Council into disrepute.
 - (i) act as agent for people pursuing planning matters within the Parish

Part 2 - INTERESTS

Registration of Interests

- 5. Members, within 28 days of—
 - (a) this Code being adopted by, or applied to, the Council; or
 - (b) your taking office as a Member or Co-opted Member of the Council,
 whichever is the later, and annually thereafter, provide written notification to the Clerk for onward transmission to Monitoring Officer of:
 - (i) any disclosable pecuniary interest as defined by Regulations made by the Secretary of State, where the pecuniary interest is the Member's, or a relevant person(s) as defined in 2 above.
 - (ii) any other personal interest laid down by the Council, as set out at paragraph 7 below which will be recorded in the Council's Register of Members' Interests and made available for public inspection including on the EDDC's website.
- 5.1 Within 28 days of becoming aware of any new interest or change to any interest already registered, Members must register details of that new interest or change by providing written notification to EDDC's Monitoring Officer. The Clerk will advise.
- 5.2 Whether or not an interest within paragraphs 7.1 to 7.6 below has been entered onto the Council's register, Members must disclose any interest to any meeting at which they are present in any matter being considered in line with para 8 below, where the matter is not a 'sensitive interest'
- 5.3 In relation to disclosable pecuniary interests, in this part of the Code the expressions in the left hand column below have the meanings attributed to them in the right hand column:

"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 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 you are a Member, in this case Broadhembury Parish Council
"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

Interests which must be registered are:

DISCLOSABLE PECUNIARY INTERESTS

7. those disclosable pecuniary interests defined by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012/ 1464) as set out below, namely:
- (a) any employment, office, trade, profession or vocation carried on for profit or gain by you or a relevant person;
 - (b) any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred in carrying out duties as a Member, or towards your election expenses, including any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992;
 - (c) any contract which is made between you, or so far as you are aware a relevant person (as defined at Para 2 above) (or a body in which the relevant person has a beneficial interest) 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
 - (d) any beneficial interest in land held by you or so far as you are aware a relevant person which is within the administrative area of the Council;
 - (e) any licence (alone or jointly with others) to occupy land in the administrative area of the Council for a month or longer

- (f) any tenancy where (to your knowledge):
 - (1) the landlord is the Council; and
 - (2) the tenant is a body in which you or so far as you are aware a relevant person has a beneficial interest.
- (g) any beneficial interest that you, or so far as you are aware a relevant person has in securities of a body where:
 - (1) that body (to your knowledge) has a place of business or land in the administrative area of the Council and
 - (2) either:
 - (A) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (B) 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.

PERSONAL INTERESTS

- 7.1 Those other personal interests laid down by the Council, namely membership of any body to which you have been appointed by the Council or exercising functions of a public nature, directed to charitable purposes or whose principal purposes include influence of public opinion or policy, including membership of any other local Authority, any political party or trade union
- 7.2 Any land where the landlord is the Council and the Member is, or a firm in which the Member is a partner or a company of which the Member is a remunerated director is the tenant
- 7.3 Any easement, servitude, interest or right in or over land which does not carry with it a right for the Member (alone or jointly with another) to occupy the land or to receive income.
- 7.4 Any gifts or hospitality worth more than an estimated value of £25 which have been received by virtue of office
- 7.5 In addition to those interests listed at 7.1 to 7.5 above Members are required to register, you may wish also to declare membership of any body which, in your view, might create a conflict of interest in carrying out your duties as a Councillor, such as membership of the Freemasons or any similar body.
- 7.6 Where EDDC's Monitoring Officer agrees that any information relating to interests is "sensitive information "namely information whose availability for inspection by the public is likely to create a serious risk that any person may be subjected to violence or intimidation, you need not include that information when registering that interest, or, as the case may be, any change to that interest.
- 7.7 Within 28 days of becoming aware of any change of circumstances which means that information excluded is no longer sensitive information, Members must notify the Monitoring Officer asking that the information be included in the Parish Council's Register of Members' Interests.

CONDUCT OF ELECTRONIC COMMUNICATION

8. The code of conduct applies to all electronic communications
- 8.1 Standing Orders of Broadhembury Parish Council provide for certain categories of decision making to be conducted electronically. This provision may be extended from time to time by specific statutory provision in the event of National emergency.
- 8.2 All communication regarding Parish Council business must be made through the Parish Council Email address. Parish Council business must not be concluded using private or personal business Email accounts.
- 8.3 The Clerk must ordinarily be copied into all Email communications between Members and or/to outside bodies, unless to do so would be inappropriate.
- 8.4 A nominated Parish Councillor in addition to the 'Proper Officer' has been designated as web-master of the Parish website (Broadhembury-pc.gov.uk) and only he/she has the authority to post items, amend information or design pages. The Chairman has overall editorial responsibility.

BREACH OF THE CODE OF CONDUCT

9. If a member of the Parish Council believes that this Code has been breached then he/she should raise the issue with either the Clerk or the Chairman in the first instance.
- 9.1 Any complaint into an alleged breach of this code of conduct should be referred to the Monitoring Officer at EDDC.
- 9.2 It is the intention of Broadhembury Parish Council that complaints are dealt with informally by the Parish Council. However this does not exclude members of the public from raising a complaint directly with the Monitoring Officer at EDDC. In this case the Parish Council's process will be discontinued, if commenced.

CONDUCT OF COMPLAINTS TO THE PARISH COUNCIL ABOUT THE BEHAVIOUR OF ANOTHER MEMBER OF THE PUBLIC

10. Any member of the public may request BPC to investigate a complaint against another member of the public, body or institution. The Parish Council will urge the complainant to deal directly with the body or person concerned, but failing this, if BPC regards the matter in the public interest or illegal, then BPC will pursue the issue on behalf of the complainant or complainants. BPC is under no obligation to disclose personal details of the complainant to the body or individual concerned, nor to detail the action taken to the complainant if it believes such action could be detrimental to community harmony.

CONFIDENTIALITY

11. All conversations and documents relating to the complaint will be treated as confidential and will be disclosed only to the extent that is necessary. Disclosure will be to the Chairman and Vice Chairman of the Parish Council and the Parish Clerk.

CONCLUSION

12. This code is intended to safeguard the public's trust in Broadhembury Parish Council. The standards of behaviour required in public life are intended to set high ethical practice which give faith to electors that their representatives are acting in the best interests of the community.