



# **CODE OF CONDUCT**

*As adopted at a meeting of Meppershall Parish Council on 13<sup>th</sup> May 2019*

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## DOCUMENT CONTROL

<b>Organisation</b>	Meppershall Parish Council
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## DOCUMENT AMENDMENT HISTORY

<b>Revision No.</b>	<b>Originator of change</b>	<b>Date of change</b>	<b>Change Description</b>
v2.0	Clerk	13/05/19	Minor amendments to content but change of layout and presentation

## 1. INTRODUCTION

- 1.1. Pursuant to section 27 of the Localism Act 2011 ('the Act'), **Meppershall Parish Council** ('the Council') has adopted this Code of Conduct ('the Code')
- 1.2. The Council has a statutory duty to promote and maintain high standards of conduct by Members and Co-opted Members of the Council ("Members") and the Code sets out the standards that the Council expects Members to observe.
- 1.3. The Code is not intended to be an exhaustive list of all the obligations that are placed on Members. It is the responsibility of individual Members to comply with the provisions of the Code as well as such other legal obligations as may apply to them from time to time.
- 1.4. The Code is consistent with the following principles (the Nolan Committee's Seven Principles of Public Life):
  - Selflessness
  - Integrity
  - Objectivity
  - Accountability
  - Openness
  - Honesty
  - Leadership

## 2. WHO DOES THE CODE APPLY TO?

- 2.1. The Code applies to all Members of the Council and to all Co-opted Members of any committee, sub-committee or joint committee or sub-committee of the Council.

## 3. WHEN DOES THE CODE APPLY?

- 3.1. The Code applies whenever a person is acting in his/her official capacity as a Member of the Council or Co-opted Member in the conduct of the Council's business or acting as a representative of the Council.

## 4. WHAT STANDARDS OF CONDUCT ARE MEMBERS EXPECTED TO OBSERVE?

### Selflessness:

- 4.1. Members must always act in the public interest.
- 4.2. Members must never use their position as a Member of the Council improperly to secure for themselves, or any other person, an advantage or disadvantage.
- 4.3. Members must not use the Council's resources improperly for personal or party political purposes.

### **Integrity:**

- 4.4. Members must not do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the Council.
- 4.5. Members must not disclose information given to them in confidence.

### **Objectivity:**

- 4.6. When making decisions on behalf of the Council, including awarding contracts or making appointments, Members must do so on merit.
- 4.7. Members must have regard to any relevant advice provided to them by the Council's officers and, in particular, the Clerk to the Council and (where a separate appointment is made) to the Responsible Financial Officer, where such advice is provided pursuant to their statutory duties.

### **Accountability:**

- 4.8. Members must act in accordance with their legal obligations, including the following Acts of Parliament that confer special obligations on elected councillors:
- Local Government Act 1972
  - Employment Rights Act 1996
  - Data Protection Act 218
  - Freedom of Information Act 2000
  - Bribery Act 2010
  - Equality Act 2010
  - Localism Act 2011
- 4.9. Members must act in accordance with the Council's policies and reasonable requirements, including any protocols and codes of practice that may apply (e.g. in respect of Member/Officer Relations, ICT, Data Protection, etc.).

### **Openness:**

- 4.10. Members must give reasons for any decisions taken on behalf of the Council in accordance with any statutory requirements and the Council's Standing Orders.
- 4.11. Members must not prevent another person from gaining access to information to which that person is entitled by law.

### **Honesty:**

- 4.12. Members must declare any disclosable pecuniary interests or conflicts of interest that may arise in respect of their responsibilities as a Member of the Council.
- 4.13. Members must at all times ensure that their claims for expenses, allowances, and their use of facilities and services provided by the Council, are strictly in accordance with the rules laid down on these matters.

## **Leadership:**

- 4.14. Members must set an example by their behaviour and shall act in a way that enhances public trust and confidence in the integrity of the Council and its Members.
- 4.15. Members must show respect and courtesy to others.
- 4.16. Members should value the Council's officers and work alongside them to achieve the Council's objectives.
- 4.17. In their dealings with the Council's employees, Members must have regard to the Council's Protocol on Member/Officer Relations and on no account should they behave in a manner that might constitute bullying.

## **5. REGISTER OF INTERESTS**

- 5.1. Central Bedfordshire Council's Monitoring Officer maintains a register of interests of Members and Co-opted Members of the Council.
- 5.2. 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), he/she shall register with the Monitoring Officer the interests which fall within the categories set out in Appendix A.
- 5.3. Upon the re-election of a Member or the re-appointment of a Co-opted Member, he/she shall within 28 days re-register with the Monitoring Officer any interests in Appendix A.
- 5.4. A Member shall register with the Monitoring Officer any change to interests or new interests in Appendix A within 28 days of becoming aware of it.
- 5.5. A Member need only declare the existence but not the details of any interest which the Monitoring 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 or intimidation. If the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.
- 5.6. A copy of or link to the Register on Interests held on the Central Bedfordshire Council's website will be available for public inspection and will be published on the Council's website.

## **6. DISCLOSURE OF PECUNIARY INTERESTS AT MEETINGS**

- 6.1. 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. He/she only has to declare what his/her interest is if it is not already entered in the Member's register of interests or if he/she has not notified the Monitoring Officer of it.
- 6.2. 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 Monitoring Officer, the Member shall disclose he/she has an interest but not the nature of it.

- 6.3. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest of a person 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.

## **7. DISPENSATIONS TO MEMBERS OF THE COUNCIL**

- 7.1. On a written request made to the Council's Proper Officer, 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 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.
- 7.2. Please refer to the Council's Dispensation Guidance Policy for more information.

## **8. OFFENCES**

8.1. It is a criminal offence to:

- fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
- fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- as an Executive Member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest
- knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

## APPENDIX A – DISCLOSABLE PECUNIARY INTERESTS

A ‘disclosable pecuniary interest’ is an interest of yourself or your partner (which means spouse or civil partner, 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) within the following descriptions:

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit.
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 made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Council: (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 Council. ‘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) a right to occupy or to receive income.
Licences	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 M’s knowledge): (a) the landlord is the Council; 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 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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

### Notes:

- “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
- “M” means the person M referred to in section 30 of the Act
- “relevant authority” means the authority of which M is a Member