

Mawsley Parish Council

CODE OF CONDUCT

On their election or co-option to Mawsley Parish Council, members are required to sign an undertaking to comply with the authority's Code of Conduct.

This Code of Conduct, adopted by the authority on 19th May 2014, is set out below. It is made under Chapter 7 of the Localism Act 2011 and includes, as standing orders made under Chapter 7 of that Act and Schedule 12 of the Local Government Act 1972, provisions which require members to leave meetings in appropriate circumstances, while matters in which they have a personal interest are being considered.

The Members' Code of Conduct is intended to promote high standards of behaviour amongst the elected and co-opted members of the council.

The Code is underpinned by the following principles of public life which should be borne in mind when interpreting the meaning of the Code:-

- i. **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 benefits for themselves, their family or their friends.
- ii. **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.
- iii. **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.
- iv. **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.
- v. **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.
- vi. **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.
- vii. **Leadership** Holders of public office should promote and support these principles by leadership and example.

PART 1
GENERAL PROVISIONS

1. Introduction and interpretation

- 1.1. This Code applies to **you** as a member of Mawsley Parish Council (MPC)
- 1.2. The term “**the Authority**” used in this Code refers to Mawsley Parish Council
- 1.3. “**Member**” means any person being an elected or co-opted member of the Authority.
- 1.4. It is **your** responsibility to comply with the provisions of this Code.
- 1.5. In this code –
“**Meeting**” means any meeting of
 - a) The Authority;
 - b) Any of the Authority’s or its committees, sub-committees, joint committees, or joint sub-committees;
- 1.6. In this Code “relevant authority” has the meaning given to it by section 27(6) of the Localism Act 2011.

2. Scope

- 2.1. You must comply with this Code whenever you act, claim to act or give the impression you are acting in your official capacity as a Member of the Authority.
- 2.2. Where you act as a representative of the Authority:-
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority'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

3.1. You must treat others with respect.

3.2. You must not:-

- (a) do anything which may cause the Authority to breach UK equalities legislation;

- (b) bully or harass 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,
- (d) in relation to an allegation that a Member (including yourself) has failed to comply with his or her authority's code of conduct, do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.
- (e) conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

4. You must not:-

- 4.1. disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:-
 - (a) you have the consent of a person authorised to give it;
 - (b) you are required by law to do so;
 - (c) 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
 - (d) the disclosure is:-
 - (i) reasonable and in the public interest; and
 - (ii) made in good faith and in compliance with the reasonable requirements of the authority; or
- 4.2. prevent another person from gaining access to information to which that person is entitled by law.

5. You must not:-

- 5.1. use or attempt to use your position as a member improperly to confer on, or secure for yourself or any other person, an advantage or disadvantage; and

6. You must:-

- 6.1. when using or authorising the use by others of the resources of your authority:-

- (a) act in accordance with your authority's reasonable requirements;
 - (b) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- 6.2. have regard to any Local Authority Code of Publicity made under the Local Government Act 1986.
- 7. When reaching decisions on any matter you must have regard to any relevant advice provided to you by:**
- (a) the Authority's Chief Finance Officer; or
 - (b) the Authority's Monitoring Officer

where that officer is acting in that role. You must give reasons for all decisions in accordance with statutory requirements and any reasonable additional requirements imposed by the Authority.

- 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 1998
- Freedom of Information Act 2000
- Bribery Act 2010
- Equality Act 2010
- Localism Act 2011

- 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, ITC, Member Allowances etc).

PART 2
INTERESTS

8. Disclosable Pecuniary Interests

8.1. Breaches of the rules relating to Disclosable Pecuniary Interests may lead to criminal sanctions being imposed.

8.2. You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State, including the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, and either:

- (a) it is an interest of yours, or
- (b) it is an interest of:
 - (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 if you were civil partners

and you are aware that that other person has the interest.

8.3 Disclosable Pecuniary Interests are:

| <u>Interest</u> | <u>Description</u> |
|---|---|
| Employment, office, trade, profession or vocation | Any employment, office, trade, profession or vocation carried on by you for profit or gain. |
| Sponsorship | Any payment or provision of any other financial benefit (other than from the 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. |
| Contracts * | Any contract which is made between you (or a body in which you have a beneficial interest) and the Authority (a) under which goods or services are to be provided or works are to be executed; |

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| | and (b) which has not been fully charged. |
| Land | Any beneficial interest in land which is within the area of the Authority |
| Licences | Any licence (alone or jointly with others) to occupy land in the area of the Authority for a month or longer |
| Corporate tenancies * | Any tenancy where (to your knowledge) (a) the landlord is the Authority; and (b) the tenant is a body in which you have a beneficial interest |
| 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 the 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 the body; or (ii) where 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 have a beneficial interest exceeds one hundredth of the total issued share capital of that class |

Interests marked * also apply to those persons described in paragraph 8.2(b) above.

| Personal Interests | |
|---|--|
| Other Interests (Voluntary addition) | |
| 1. Public Bodies | Bodies of which you are a member or hold a position of general control or management which exercise functions of a public nature |
| 2. Charitable | Bodies of which you are a member or hold a position of general |

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| bodies | control or management which are directed to charitable purposes |
| 3. Bodies which influence public opinion or policy | Bodies of which you are a member or hold a position of general control or management whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) |

9. Registration of Disclosable Pecuniary Interests and Personal Interests

- 9.1. Subject to paragraph 11 below (sensitive interests), you must, within 28 days of your election or appointment notify the Clerk in writing of any Disclosable Pecuniary Interests and/or Personal Interests you may have at that time.
- 9.2. Subject to paragraph 11 below (sensitive interests), you must, within 28 days of becoming aware of any new Disclosable Pecuniary Interest/Personal Interests or any change to any such interest, notify the Clerk in writing of that new pecuniary interest or change, pursuant to sub-paragraph 9.1 above.

10. Disclosable Pecuniary interests in matters considered at meetings or by a single member

- 10.1. If you attend a meeting and have and are aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, at that meeting, –
- (a) if the interest is not entered in the Authority’s register of members’ interests, you must, subject to sub-paragraph 11.1 below, disclose to the meeting the fact that you have a Disclosable Pecuniary or Personal Interest in that matter. If you have not already done so, you must notify the Clerk of the interest before the end of 28 days beginning with the date of the disclosure, and
 - (b) whether the interest is registered or not you must not – unless you have obtained a dispensation from the Clerk – (i) participate, or participate further, in any discussion of the matter at the meeting; or (ii) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting.

11. Sensitive interests

- 11.1. Where you consider (and the Clerk agrees) that the nature of a Disclosable Pecuniary or Personal Interest is such that disclosure of the details of the interest could lead to you or a person connected with you being subject to intimidation or violence, it is a “sensitive interest” for the purposes of the Code, and the details of the sensitive interest do not need to be disclosed to a meeting, although the fact that you have a sensitive interest must be disclosed, in accordance with paragraph 10.1 above.

12. Personal Interests

12.1. You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body—

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;

(iii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25.00

or

(iv) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person (see 8.2 above) to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward.

12.2. Personnel Interests should be declared at a meeting or where a member is making a decision alone (see paragraph 10.2 above). Failure to do so will be regarded as a breach of this Code of Conduct.

PART 3

RELATED DOCUMENTS

- 13.** Arrangements for dealing with alleged breaches of the MPC Members Code Of Conduct
- 14.** The Clerk will forward details of any alleged breach to the Monitoring officer at Corby Borough Council for advice