

Slapton Parish Council



The Slapton Parish Council Manual

Code of Conduct

August 7, 2017

PART One

GENERAL PROVISIONS

Scope

1. - (1) A member must observe the authority's code of conduct whenever he / she -
 - (a) conducts the business of the authority;
 - (b) conducts the business of the office to which he has been elected or appointed; or
 - (c) acts as a representative of the authority,and references to a member's official capacity shall be construed accordingly.
- (2) An authority's code of conduct shall not, apart from paragraphs 4 and 5(a) below, have effect in relation to the activities of a member undertaken other than in an official capacity.
- (3) Where a member acts as a representative of the authority -
 - (a) on another relevant authority, he / she must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, he / she must, when acting for that other body, comply with the authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
- (4) In this code -
 - (a) "member" includes a co-opted member of an authority; and
 - (b) "responsible authority" means a district council or a unitary county council which has functions in relation to the parish councils for which it is responsible under section 55(12) of the Local Government Act 2000.

General Obligations

2. A member must -
 - (a) promote equality by not discriminating unlawfully against any person;
 - (b) treat others with respect; and
 - (c) not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the authority.

3. A member must not -
 - (a) disclose information given to them in confidence by anyone, or information acquired which he / she believes is of a confidential nature, without the consent of a person authorized to give it, or unless he / she is required by law to do so; nor
 - (b) prevent another person from gaining access to information to which that person is entitled by law.

4. A member must not in their official capacity, or any other circumstance, conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

5. A member -
 - (a) must not in their official capacity, or any other circumstance, 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 authorizing the use by others of the resources of the authority -
 - (i) act in accordance with the authority's requirements; and
 - (ii) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the authority or of the office to which the member has been elected or appointed.

6. A member must, if they becomes aware of any conduct by another member which they reasonably believe involves a failure to comply with the authority's code of conduct, make a written allegation to that effect to the Standards Board for England as soon as it is practicable for them to do so.

PART TWO

INTERESTS

Personal Interests

7. - (1) A member must regard themselves as having a personal interest in any matter if the matter relates to an interest in respect of which notification must be given under paragraphs 12 and 13 below, or if a decision upon it might reasonably be regarded as affecting to a greater extent any other council tax payers, ratepayers, or inhabitants of the authority's area, the well-being or financial position of himself, a relative or a friend or -
- (a) any employment or business carried on by such persons;
 - (b) any person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
 - (d) any body listed in sub-paragraphs (a) to (e) of paragraph 13 below in which such persons hold a position of general control or management.
- (2) In this paragraph -
- (a) "relative" means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and
 - (b) "partner" in sub-paragraph (2)(a) above means a member of a couple who live together.

Disclosure of Personal Interests

8. A member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

Prejudicial Interests

9. - (1) Subject to sub-paragraph (2) below, a member with a personal interest in a matter also has a prejudicial interest in that matter if 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 member's judgment of the public interest.
- (2) A member may regard themselves as not having a prejudicial interest in a matter if that matter relates to -
- (a) another relevant authority of which they is a member;
 - (b) another public authority in which they hold a position of general control or management;
 - (c) a body to which they have been appointed or nominated by the authority as its representative;
 - (d) any functions of the authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where the member is in receipt of, or is entitled to the receipt of such pay from a relevant authority; and
 - (e) any functions of the authority in respect of an allowance or payment made under sections 173 to 173A and 175 to 176 of the Local Government Act 1972 or section 18 of the Local Government and Housing Act 1989.

Participation in Relation to Disclosed Interests

10. A member with a prejudicial interest in any matter must -
- (a) withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless they have obtained a dispensation from the standards committee of the responsible authority; and

- (b) not seek improperly to influence a decision about that matter.
11. For the purposes of this Part, "meeting" means any meeting of -
- (a) the authority; or
 - (b) any of the authority's committees, sub-committees, joint committees or joint sub-committees.

PART THREE

THE REGISTER OF MEMBERS' INTERESTS

Registration of Financial and Other Interests

12. Within 28 days of the provisions of an authority's code of conduct being adopted or applied to that authority or within 28 days of their election or appointment to office (if that is later), a member must register their financial interests in the authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to the monitoring officer of the responsible authority of
- (a) any employment or business carried on by them;
 - (b) the name of the person who employs or has appointed them, the name of any firm in which they are a partner, and the name of any company for which they are a remunerated director;
 - (c) the name of any person, other than a relevant authority, who has made a payment to them in respect of their election or any expenses incurred by them in carrying out his duties;
 - (d) the name of any corporate body which has a place of business or land in the authority's area, and in which the member has a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
 - (e) a description of any contract for goods, services or works made between the authority and themselves or a firm in which they are a partner, a company of which they are a remunerated director, or a body of the description specified in sub-paragraph (d) above;
 - (f) the address or other description (sufficient to identify the location) of any land in which they have a beneficial interest and which is in the area of the authority;

- (g) the address or other description (sufficient to identify the location) of any land where the landlord is the authority and the tenant is a firm in which they are a partner, a company of which they are a remunerated director, or a body of the description specified in sub-paragraph (d) above and
 - (h) the address or other description (sufficient to identify the location) of any land in the authority's area in which they have a license (alone or jointly with others) to occupy for 28 days or longer.
13. Within 28 days of the provisions of the authority's code of conduct being adopted or applied to that authority or within 28 days of their election or appointment to office (if that is later), a member must register their other interests in the authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to the monitoring officer of the responsible authority of their membership of or position of general control or management in any -
- (a) body to which they have been appointed or nominated by the authority as its representative;
 - (b) public authority or body exercising functions of a public nature;
 - (c) company, industrial and provident society, charity, or body directed to charitable purposes;
 - (d) body whose principal purposes include the influence of public opinion or policy; and
 - (e) trade union or professional association.
14. A member must within 28 days of becoming aware of any change to the interests specified under paragraphs 12 and 13 above, provide written notification to the monitoring officer of the responsible authority of that change.

Registration of Gifts and Hospitality

15. A member must within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the monitoring officer of the responsible authority of the existence and nature of that gift or hospitality.

Adopted: