



CODE OF CONDUCT

Contents

	Page
<u>Part 1 – Introduction and Interpretation</u>	
1. Introduction and interpretation	1
<u>Part 2 – Scope and General Obligations</u>	
2. Scope	3
3. General obligations	3
<u>Part 3 – Disclosable Pecuniary Interests</u>	
4. Notification of disclosable pecuniary interests	5
5. Register of interests	5
6. Sensitive interests	5
7. Non participation in case of disclosable pecuniary interest	6
8. Non participation procedure	7
9. Dispensation	7
10. Offences	7
<u>Part 4 – Other Interests (Personal and Prejudicial)</u>	
11. Notification of other interests	8
12. Disclosure of other interests	9
13. Register of interests	10
14. Sensitive interests	10
15. Non participation in case of prejudicial interest	11
16. Pre-determination or bias	12
17. Compliance with Constitution	13
<u>Appendices</u>	
Appendix A	14
Appendix B	16
Appendix C - General Principles of Public Life	17

Part 1 – Introduction and Interpretation

1.1 Pursuant to section 27 of the Localism Act 2011, Plaistow and Ifold Parish Council ('the Council') has adopted this Code of Conduct to promote and maintain high standards of behaviour by its Members and co-opted Members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council.

This Code of Conduct applies to all Members of the Council. It is your responsibility to comply with the provisions of this Code of Conduct. As a Member you are a representative of the Council and the public will view you as such. Therefore, your actions impact on how the Council as a whole is viewed and your actions can have both positive and negative impacts on the Council.

This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership. You should read this Code together with the General Principles of Public Life which are set out in appendix C.

1.2 Definitions

For the purposes of this Code,

"Meeting" means any meeting of:

(a) the Council

(b) any of the Council's Committees, Sub-Committees, Panels, Forums, Joint Committees, Steering Groups, Working Groups or Area Committees

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of Members

"Member" includes a co-opted Member and an appointed Member unless otherwise stated. A 'co-opted Member' is a person who is not an elected Councillor, but who is appointed by the Council to sit on any Committees, Sub-Committees, Panels, Forums, Joint Committees, Steering Groups, Working Groups or Area Committees due to their expertise and/or experience and who is entitled to vote on any question that falls to be decided at any Meeting.

If you need guidance on any aspect of this Code of Conduct you should seek it from the Parish Clerk, Monitoring Officer, or Deputy Monitoring Officer of Chichester District Council.

Part 2 – Scope and General Obligations

2. Scope

2.1 This Code applies to all Members of the Council

2.2 You must comply with this Code whenever you –

a. conduct the business of the Council, or

b. act, claim to act, or give the impression you are acting as a representative of the Council, or in your official capacity as a Member of the Council.

2.3 Where you act as a representative of the Council -

a. on another 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 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

When a Member of the Council acts, claims to act, or gives the impression of acting as a representative of the Council, they must comply with the following obligations:

3.1 Members shall behave in such a way that a reasonable person would regard as respectful.

3.2 Members shall not act in a way which a reasonable person would regard as bullying or intimidatory.

3.3 Members shall not seek to improperly confer an advantage or disadvantage on any person.

3.4 Members shall use the resources of the Council in accordance with its requirements; including ensuring that such resources are not used improperly for political purposes (including party political purposes) and having regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

3.5 Members shall not disclose information which is confidential, or information acquired which they believe, or ought reasonably to be aware, is of a confidential nature, where disclosure is prohibited by law, or unless:

- i. they have the consent of a person authorised to give that consent;
- ii. they are required by law to do so;
- iii. the disclosure is made for the purpose of obtaining professional legal advice and the recipient agrees not to disclose the information to any other person; or
- iv. the disclosure is-
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the Council.

3.6 Members shall not conduct themselves in a manner which could reasonably be regarded as bringing their office, or the Council into disrepute.

3.7 Members shall not intimidate, or attempt to intimidate any person who is, or is likely to be, a complainant or a witness, or involved in any investigation or proceedings about a complaint that a Member (including themselves) has failed to comply with his or her authority's Code of Conduct.

3.8 Members shall not do anything which may cause the Council to breach any of the equality duties (as set out in the Equality Act 2010).

3.9 Members shall not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

3.10 Members shall not prevent another person from gaining access to information to which that person is entitled by law.

3.11 When reaching decisions on any matter Members must have regard to any relevant advice provided by the Council's Clerk, Responsible Finance Officer, or the Monitoring Officer, where that officer is acting pursuant to their statutory duties; and give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

Part 3 - Disclosable Pecuniary Interests

4. Notification of disclosable pecuniary interests

4.1 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 appendices A & B.

4.2 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 appendices A & B.

4.3 A Member shall register with the Monitoring Officer any change to interests or new interests in appendices A & B within 28 days of becoming aware of it.

4.4 A Member need only declare the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest' (see paragraph 6 below).

5. Register of interests

Any interests notified to the Monitoring Officer will be included in the Register of Interests. A copy of the register will be available for public inspection and will be published on the authority's website.

6. Sensitive interests

6.1 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 Monitoring Officer agrees, 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 the Member has a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.

6.2 You must, within 28 days of becoming aware of circumstances which mean that information excluded under paragraph 6.1 above is no longer sensitive, notify the Monitoring Officer so that the information is included in your authority's register of Members' interests.

7. Non participation in case of disclosable pecuniary interest

To be read in conjunction with paragraph 8. Non participation procedure below and Standing Order 7

7.1 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.

7.2 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.

7.3 Where a matter arises at a Meeting which relates to an interest in Appendix B, the Member shall 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.

7.4 A Member only has to declare his/her interest in Appendix B if it is not already entered in his/her register of interests, or he/she has not notified the Monitoring Officer of it, or if he/she speaks on the matter. If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.

7.5 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.

7.6 Where a Member discharges a function alone, and they become aware of a disclosable pecuniary interest in a matter being dealt with, or to be dealt with by them, they must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

8. Non participation procedure

To be read in conjunction with Standing Order 7

8.1 If a Member present at a Meeting of the Council has a disclosable pecuniary interest (Appendix A) in any matter to be considered or being considered at the Meeting, that Member must:

- a. not participate in any discussion of the matter at the Meeting, unless they have received a dispensation;
- b. not participate in any vote taken on the matter at the meeting, unless they have received a dispensation;
- c. withdraw from the Meeting whilst it is considering a matter in which they have a disclosable pecuniary interest. The Member may return to the Meeting after it has considered the matter in which they have an interest.
- d. If the interest is not registered and is not the subject of a pending notification, the Member must notify the Monitoring Officer of the interest within 28 days.

9. Dispensations

To be read in conjunction with Standing Order 7

9.1 On a written request made to the Council's Proper Officer dispensation may be granted to allow a Member to participate in a discussion and vote on a matter at a Meeting even if he/she has an interest in Appendices A and B if the Proper Officer 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.

10. Offences

10.1 It is a criminal offence to -

- a. fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election;
- b. fail to disclose a disclosable pecuniary interest at a Meeting if it is not on the register;

c. 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;

d. participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest, unless you have received a dispensation;

e. fail to notify the Monitoring Officer within 28 days of the interest, if you discharging a function acting alone, and having a disclosable pecuniary interest in such a matter.

f. knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

10.2 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.

Part 4 – Other Interests (Personal and Prejudicial)

11. Notification of other interests

11.1 In addition to the disclosable pecuniary interests notifiable under the Localism Act 2011, you must, within 28 days of—

a. this Code being adopted by or applied to the Council; or

b. your election or appointment to office (where that is later),

notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the following descriptions, for inclusion in the register of interests.

11.2 You have a personal interest in any business of the Council where it relates to or is likely to affect—

a. 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 the Council;

b. any body of which you are a member or in a position of general control or management —

i. exercising functions of a public nature;

ii. directed to charitable purposes; or

iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);

c. the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50.

11.3 You must, within 28 days of becoming aware of any new interest, or change to any interest registered under sub-paragraph (1) above, notify the Monitoring Officer of the details of that new interest or change.

12. Disclosure of other interests

12.1 Subject to sub-paragraphs 12.2 – 12.5 below, where you have a personal interest described under paragraph 11 above, or in sub-paragraph 12.2 below in any business of the Council and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a Meeting of the Council at which the business is considered, you must disclose to that Meeting the existence and nature of that interest at the relevant time at the Meeting, at the commencement of that consideration, or when the interest becomes apparent.

12.2 (A) You have a personal interest in any business of the Council where 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 to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of your Parish affected by the decision;

12.2(B) In sub-paragraph 12.2(A) above, a relevant person is—

- a.
 - i. your spouse or civil partner, or
 - ii. a person living with you as husband and wife, or as if you are civil partners,
 - iii. your grandparent,
 - iv. a lineal descendant of your grandparent,
 - v. a parent, sibling or child of a person within paragraph (i) or (ii),
 - vi. the spouse or civil partner of a person within paragraph (iii), (iv) or (v), or
 - vii. living with a person within paragraph (iii), (iv) or (v) as husband and wife or as if they are civil partners.

- b. any person with whom you have a close association;

c. any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

d. any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

e. any body of a type described in paragraph 11.2a or b above.

12.3 Where you have a personal interest in any business of the Council which relates to or is likely to affect a body described in paragraph 11.2a or b above, you need only disclose to the Meeting the existence and nature of that interest if you address the Meeting on that business.

12.4 Where you have a personal interest in any business of the Council of the type mentioned in paragraph 11.2c above you need not disclose that interest if it was registered more than three years before the date of the Meeting.

12.5 Where you have a personal interest but by virtue of it being a '**sensitive interest**' (see paragraph 14 below), you must indicate to the Meeting that you have a personal interest, but need not disclose the sensitive information to the Meeting.

12.6 Where you have a personal interest in any business of the Council and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

13. Register of interests

13.1 Any interests notified to the Monitoring Officer, pursuant to paragraph 11 above, will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the authority's website.

14. Sensitive interests

14.1 Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, 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 an interest, the details of which are withheld.

14.2 You must, within 28 days of becoming aware of circumstances which mean that information excluded under paragraph 14.1 above is no longer sensitive, notify the Monitoring Officer so that the information is included in your authority's register of members' interests.

15. Non participation in case of prejudicial interest

15.1 Subject to sub-paragraph 15.2 below, where you have a personal interest in any business of the Council you also have a prejudicial interest in that business 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 your judgement of the public interest and where that business—

- a. affects your financial position, or the financial position of a person or body described in paragraph 12.2(B) or
- b. relates to the determining, amendment, modification, variation, or revocation of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 12.2(B) or of any condition, limitation or term to which it is subject.

15.2 You do not have a prejudicial interest in any business of the Council where that business relates to the functions of the Council in respect of—

- a. housing, where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease;
- b. schools, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- c. statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- d. an allowance, payment or indemnity given to Members;
- e. any ceremonial honour given to Members; and
- f. setting council tax or a precept under the Local Government Finance Act 1992.

15.3 Subject to sub-paragraph 15.4 below, where you have a prejudicial interest in any business of the Council —

- a. you must disclose the interest to the Meeting
- b. except as in d. below, you may not participate in any discussion of the matter at the Meeting, unless you have received a dispensation, or the interest is of the type mentioned in paragraph 11.2a.
- c. you may not participate in any vote taken on the matter at the meeting, unless you have received a dispensation.
- d. you must leave the room whilst the business is discussed.
- e. you must not seek improperly to influence a decision about that business.

15.4 Where the interest is of the type mentioned in paragraph 11.2a you may participate in the discussion but may not vote in relation to the matter unless you have obtained a dispensation.

15.5 Where you may discharge a function alone, and you become aware of a prejudicial interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

16. Pre-determination or bias

16.1 Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as Member. However, do not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties. You must retain the ability to consider the matter with an open mind and to give proper consideration to all the facts and information relevant to the decision.

16.2 When making a decision, do consider the matter with an open mind and on the facts before the Meeting at which the decision is to be taken.

17. Compliance with Constitution

Failure to comply with the requirements of the Council’s Constitution shall be deemed to be a breach of this Code.

Adopted at the full Parish Council meeting held on: Wednesday 11th March 2020

Signed by:_____

Chairman

Print Name:_____

Signed by:_____

Clerk

Print Name:_____