

# KIRBY HILL AND DISTRICT PARISH COUNCIL

## Conduct of Members

### Introduction

Pursuant to Section 27 of the Localism Act 2011 Kirby Hill and District Parish Council has adopted the following 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.

(\* for the purposes of the Code a 'co-opted member' is a person who is not a member of the Council but who is either a member of any sub-committee of the Council, who is entitled to vote on any question that falls to be decided at any meeting of that sub-committee)

### The General Principles of Public Life

At all times regard shall be had to the principles governing the conduct of Members and co-opted Members of Council as set out under Section 28 of the Localism Act 2011, namely:-

(a) *Selflessness:*

By which we mean that Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person or in order to gain any personal financial or other material benefits.

(b) *Integrity:*

By which we mean that Members should not place themselves in situations where their integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour. Members may take into account the views of others, including their political groups, but must reach their own conclusion on the issues and act in accordance with those conclusions.

(c) *Objectivity:*

By which we mean that Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

(d) *Accountability:*

By which we mean that Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

(e) *Openness:*

By which we mean that Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions. They should restrict information only when the wider public interest demands.

(f) *Honesty:*

By which we mean that Members 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.

(g) *Leadership*

By which we mean that Members should promote and support these principles by leadership, and by example.

## **1.0 Scope of Rules**

- 1.1 These Rules apply to all decision making processes of the Council in which Members of Council are involved and whenever they are acting as a Councillor.
- 1.2 These Rules apply to co-opted members of Committees/Sub-Committees in their position as such members and a copy of the Members' Code of Conduct including these Rules will be given to all co-opted Members on co-option to a Committee/Sub-Committee.
- 1.3 A record shall be kept by the Parish Clerk of all declarations of interest, wherever in the decision making processes of the Council the declaration is made, together with the record of the decision in relation to which the declaration is made.
- 1.4 The Member Code of Conduct as adopted by this Council forms Appendix 1 to these Rules.
- 1.5 Where a Member has a disclosable pecuniary interest as defined in the Code in Appendix 1, in any matter which is the subject of discussion at a meeting of which that member is a part then the Member shall leave the meeting during discussion of the matter.

## **2.0 Gifts/hospitality**

- 2.1 Gifts or hospitality in excess of £25 value, given in the course of a Member's work as councillor, must be registered as an interest.

### **3.0 Legal Advice on Interests Issues**

- 3.1 Where a Member has sought advice from a legal officer of Harrogate Borough Council relating to whether to declare an interest and the officer has advised that an interest does exist under these rules the Member will be expected to act on that advice.
- 3.2 If a Member fails to act on such advice then the legal officer shall inform the Monitoring Officer who shall consider whether a prima facie case exists for further investigation under the procedures set out in this part of the Constitution.
- 3.3 Where such advice is sought from the Monitoring Officer and the Member is advised that an interest exists but the Member does not follow that advice, then the Monitoring Officer shall consider whether a prima facie case exists for further investigation under the procedures set out in this part of the Constitution.
- 3.4 Where a Member does not take advice from any legal officer of the Council but seeks independent legal advice relating to whether to declare an interest, the view of the Monitoring Officer on the interpretation of the law, the Code of Conduct and these Rules shall prevail, if a complaint against the Member is made to the Monitoring Officer.

## KIRBY HILL AND DISTRICT PARISH COUNCIL

### MEMBERS' CODE OF CONDUCT

#### INTRODUCTION

This Code sets out the standards of behaviour required of Councillors whenever they are acting, claim or give the impression that they are acting as a Member or Co-opted Member of Kirby Hill and District Parish Council.

The Code has been adopted by the Parish Council and requires compliance with the *general principles of public life* set out in the preamble to this document.

In any case where a Council Member has an interest in a matter which is not a disclosable pecuniary or registerable interest under the Localism Act 2011 or regulations, but participating or voting (or further participating or voting) on the matter would conflict with the *general principles of public life* they must declare that interest and take no further action with regard to that matter as if it were a disclosable pecuniary interest.

#### PART 1

##### General Provisions

1. You must not treat others with disrespect.
2. You must not do anything which may cause the Parish Council to breach any equality enactment.
3. You must not bully or intimidate any person, or attempt to bully or intimidate them.
4. You must not do anything which compromises the impartiality of anyone who works for or on behalf of the Parish Council, or do anything that is likely to compromise their impartiality.
5. You must not disclose information which is given to you in confidence or which you believe is of a confidential nature, or ought reasonably to be aware is of a confidential nature, unless:
  - You have the permission of a person authorised to give it; or
  - You are required by law to disclose the information; or

- You disclose it 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
  - The disclosure is reasonable; and is in the public interest; and is made in good faith; and is only made after having complied with any reasonable requirements of the Council to delay disclosure or to maintain confidentiality.
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6. You must not prevent another person gaining access to information which that person is entitled to by law.
  7. You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council into disrepute, or your position as a Councillor into disrepute.
  8. You must not use your position as a Councillor improperly to obtain any advantage or disadvantage for yourself or any other person, or attempt to do so.
  9. You must not accept any gift or hospitality which could reasonably be perceived as creating an obligation upon the Council, or upon yourself as a Councillor, if you do accept any gift or hospitality which might be attributable to your membership of the Council (other than the refreshments which might usually be expected at Council meeting or civic function) you must disclose this, or any offer of such gift or hospitality, to the Monitoring Officer.
  10. You must comply with the following section of this Code, which relates to registering interests and declaring in meetings any disclosable pecuniary interests you may have. You are also required to leave the room during any meeting at which a matter in which you have a disclosable pecuniary interest is being discussed.

## PART 2

### Disclosable Pecuniary Interests

11.
  1. A Member or Co-opted Member before the end of 28 days beginning with the day on which the person becomes a Member or Co-opted Member of the Council, notify the authority's Monitoring Officer of any disclosable pecuniary interests which the person has at the time when the notification is given.
  2. A pecuniary interest is a disclosable pecuniary interest if it is of a description specified in regulations by the Secretary of State and it is either:
    - (a) an interest of the Members; or
    - (b) It is an interest of –
      - (i) the Members spouse or civil partner;
      - (ii) a person with whom the member is living as husband or wife; or
      - (iii) a person with whom the Member is living as if they were civil partners.
12. Disclosable Pecuniary Interests have been defined by the Secretary of State in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 1464) as follows:

<ol style="list-style-type: none"><li>(1)</li></ol>	Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
<ol style="list-style-type: none"><li>(2)</li></ol>	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 the Member in carrying out duties as a Member, or towards the election expenses of the Member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).
<ol style="list-style-type: none"><li>(3)</li></ol>	Contracts	Any contract which is made between the relevant person (or a body in which the relevant person

has a beneficial interest) and the relevant authority:

(a) under which goods or services are to be provided or works are to be executed; and

(b) which has not been fully discharged.

(4) Land

Any beneficial interest in land which is within the area of the relevant authority.

(5) Licences

Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

(6) Corporate tenancies

Any tenancy where (to the Members' knowledge) –

(a) the landlord is the relevant authority; and

(b) the tenant is a body in which the relevant person has a beneficial interest.

(7) Securities

Any beneficial interest in securities of a body where –

(a) that body (to the Members' knowledge) has a place of business or land in the area of the relevant 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 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.

### 13. **Effect of Interests on Participation**

1. When you have a disclosable pecuniary interest in any business of your council and you attend a meeting of your council at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that meeting or when the interest becomes apparent.
  2. Where you have a disclosable pecuniary interest and have not obtained a dispensation you must leave the room during discussion of the relevant business.
  3. Unless you have obtain a dispensation from the Monitoring Officer you must not exercise executive functions in relation to any business where you have a disclosable pecuniary interest or one which conflicts with the *general principles of public life* set out in the preamble to this Code of Conduct.
  4. Where you have an interest where your participation or voting on a matter might be seen as conflicting with the general principles set out in the preamble to this Code of Conduct you must declare it and cease to participate, vote and leave the meeting as if it were a disclosable pecuniary interest.
  5. Where you have an 'other interest' which is registered in accordance with the Code of Conduct you need not disclose that interest at the meeting.
14. For the purposes of this Code of Conduct 'other interests' which must be included in the Members' Register of Interests include your membership of, or position of general control or management in any:-
- (a) body to which you have been appointed or nominated by the authority as its representative.
  - (b) public authority or body exercising functions of a public nature;
  - (c) body directed to charitable purposes;
  - (d) body whose principal purposes include the influence of public opinion or policy; (*membership of a political party should be declared under this heading*)
  - (e) trade union or professional association.
  - (f) the name and address of any person or body from whom you have received a gift or hospitality with an estimated value of at least £25 in the course of your work as a Councillor – private gifts or hospitality do not need to be recorded.



## 15. **Sensitive Interests**

- (1) Where a Member or Co-opted Member has an interest (whether or not a disclosable pecuniary interest) and the nature of that interest is that the Member or Co-opted Member consider that disclosure of the details of the interest could lead to the Member or Co-opted person or a person connected with the Member or Co-opted Member being subject to violence or intimidation any published version of the register must not include the details of the interest. The register may state that the Member or Co-opted Member has an interest but the details are withheld under Section 32 (2) of the Localism Act 2011.
- (2) In the event that a matter relating to a sensitive interest as set out in sub-paragraph (1) above is being considered at a meeting the Member or Co-opted Member is required to disclose the fact that they have a disclosable pecuniary interest (when it is such an interest) but not the nature of it.
- (3) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.