

DRAUGHTON PARISH COUNCIL

CODE OF CONDUCT

Adopted by the Council
17 May 2021

DRAUGHTON PARISH COUNCIL

Code of Conduct

Introduction

Pursuant to Section 27 of the Localism Act 2011, Draughton 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 is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. **These principles are described in detail in Appendix C to this code.**

Definitions

For the purposes of this Code, a ‘co-opted member’ is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

For the purposes of this Code, a ‘meeting’ is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

Member obligations

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, they have the following obligations:

1. They shall behave in such a way that a reasonable person would regard as respectful.
2. They shall not act in a way which a reasonable person would regard as bullying or harassing.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident; it might happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others. Bullying can affect mental, physical and emotional health. It can lead to physical injuries, social or emotional problems and in some cases even death,

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

3. They shall promote equalities and not discriminate unlawfully against any person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristic are specific aspects of a person’s identity defined by the

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Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims and that there is a strong vision and public commitment to equality across public services.

4. They shall not disclose information which is confidential or where disclosure is prohibited by law.
5. They shall not seek to improperly confer an advantage or disadvantage on any person.
6. They shall use the resources of the Council in accordance with its requirements.
7. They shall not compromise or attempt to compromise the impartiality of anyone who works or exercises powers for the Council.

Registration of interests

8. 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), they shall register with the Monitoring Officer (of the principal authority) the interests which fall within the categories set out in Appendices A and B.

9. Upon the re-election of a member or the re-appointment of a co-opted member, they shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B.

10. A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.

11. 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.

Declaration of interests at meetings

12. Where a matter arises at a meeting which relates to an interest in Appendix A the member must leave the room and shall not participate in a discussion or vote on the matter. They must only declare what the interest is if it is not already entered in the member's register of interests or if they have not notified the Monitoring Officer of it.

13. Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member must leave the room and 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 they have an interest but not the nature of it.

14. Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall not vote on the matter. They may speak on the matter only if members of the public are also allowed to speak at the meeting.

15. A member *shall disclose the nature of his/her interest in Appendix B even if it is already entered in their register of interests or they have not notified the Monitoring Officer of it or if they speak on the matter. If they hold an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, they shall declare the interest but not the nature of the interest.*

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16. Where a matter arises at a meeting which relates to a financial interest of the member, a friend, relative or close associate (other than an interest in Appendix A), the member shall disclose the nature of the interest. The member shall not vote on the matter. They 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.

Complying with the Code of Conduct

17. A member shall cooperate with any Code of Conduct investigation and/or determination and not intimidate or attempt to intimidate any person who is likely to be involved with any investigation or proceedings.

Dispensations

18. On a written request made to the Council's Proper Officer (the Clerk), the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if the member has an Appendix A or Appendix B interest ('an interest' for the purpose of paragraphs 16-18).

A dispensation may be granted by the Council on one or more of the following grounds^{1 2}:

¹ Section 33, Localism Act 2011

² Ground (d) refers to 'the Cabinet/Executive' and therefore does not currently apply to the Council.

³ appointed under section 28, Localism Act 2011

- a) That so many members of the Council have an interest in a matter that it would impede the transaction of the business (i.e. it would otherwise be inquorate);
- b) That, without the dispensation, the representation of different political groups on the Council would be so upset as to alter the outcome of any vote on the matter;
- c) That the Council considers that the dispensation is in the interests of persons living in the Council's area;
- e) That the Council considers it otherwise appropriate to grant a dispensation.

19. In deciding whether to grant a dispensation, the appropriate political proportionality of the meeting, the interests of persons living in the Council's area and the interests of justice generally will be considered.

20. Requests for dispensation will be determined by the Council.

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APPENDIX A Disclosable Pecuniary Interests

Interests as in the table below:

| Subject | Description |
|---------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Employment, office, trade, profession or vocation | Any employment, office, trade, profession or vocation carried on for profit or gain by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners. |
| Sponsorship | Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her 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. |
| | 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 member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) 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 held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners which is within the area of the Council. ‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income. |
| Licences | Any licence (alone or jointly with others) held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners. to occupy land in the area of the Council for a month or longer. |
| Corporate tenancies | Any tenancy where (to the member’s knowledge)— |
| | (a) the landlord is the Council; and |
| | (b) the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of. |
| Securities | Any beneficial interest held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners. in securities* of a body where— |
| | (a) that body (to the member’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 member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class. |

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APPENDIX B – Other Interests

An interest under paragraph 1 *and 2 below* which relates to or is likely to affect:

1. Interests

(i) Any body of which the member is in a position of general control or management and to which they are appointed or nominated by the Council;

(ii) Any body –

(a) Exercising functions of a public nature;

(b) Directed to charitable purposes; or

(c) One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which the member of the Council is a member or in a position of general control or management;

(iii) Any gifts or hospitality worth more than an estimated value of £25 which the member has received by virtue of his or her office.

And

2. Perception of Conflict

A reasonable member of the public with knowledge of all the relevant facts would think that a member's interest was so significant that it would be likely to prejudice that member's judgment.

FOOTNOTE 1

The test for perception is one of conflict of interest; which in other words means the interest must be perceived as likely to harm or impair a member's ability to judge the public interest.

FOOTNOTE 2

This Code of Conduct is based on the template Code of Conduct for Parish Councils produced by the National Association of Local Councils in 2012 who has given permission for its use, the updated model Code produced by the Local Government Association in 2021, and this document also aligns with the updated Code adopted by the Council's principal authority in 2021.

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APPENDIX C

Principles - Description

Preamble The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

Selflessness Holders of public office should act solely in terms of the public interest.

Integrity Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty Holders of public office should be truthful.

Leadership Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour.