

Code of Conduct for Members

Introduction

Cottenham Parish Council has adopted this Code of Conduct pursuant to Section 27 of the Localism Act 2011 to promote and maintain high standards of behaviour by its members and co-opted members whenever they are acting in their capacity as a member of the Parish Council or when they claim to act or give the impression of acting as a representative of the Parish Council

This Code is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership (“the Nolan Principles”).

1 Application

This Code of Conduct applies to you whenever you are acting, claim to act or give the impression you are acting in your capacity as a Member of the Parish Council, including:–

- 1.1 at formal Meetings of the Parish Council or its Committees
- 1.2 when acting as a representative of the Parish Council (*formally delegated and/or self-declared*)
- 1.3 when corresponding with the Parish Council other than in a private capacity (*including email*)

2 Meeting

In this Code “Meeting” means any meeting organised by or on behalf of the Parish Council, including :–

- 2.1 any meeting of the Council, or a Committee or Sub-Committee of Council
- 2.2 at any site visit to do with the business of the Parish Council

3 General Conduct

You must –

- 3.1 provide leadership to the Parish Council and the community within its area, by personal example and
- 3.2 respect others and not bully or threaten or attempt to bully or threaten any person (*perceptions and reality can be different*)
- 3.3 respect the confidentiality of information which you receive as a Member by–
 - 3.3.1 not disclosing confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so; and
 - 3.3.2 not obstructing third parties’ legal rights of access to information

- 3.4 not conduct yourself in a manner which is likely to bring the Parish Council into disrepute *(avoid introducing misinformation; decisions debated in open meetings “afresh” unless delegated by resolution to a WG or Clerk*
- FoI request could extract email trail that implies secret decision-making and or pressurisation)
- 3.5 use your position as a Member in the public interest and not for personal advantage
- 3.6 comply with the Parish Council’s current and future reasonable rules on the use of public resources for private purposes
- 3.7 exercise your own independent judgement, taking decisions for good and substantial reasons by –
- 3.7.1 attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups *(avoid predetermination)*
- 3.7.2 paying due regard to the advice of Officers *(without claiming reliance on the advice)*
- 3.7.3 stating the reasons for your decisions where those reasons are not otherwise apparent *(explanation rather than simple assertion)*
- 3.8 do nothing that causes the Parish Council to act unlawfully.*(compliance with SO, FR and ToR)*

4 Disclosable Pecuniary Interests

- 4.1 You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State (as set out in the Appendix) and either:
- (a) it is an interest of yours, or
- (b) it is an interest of:
- (i) your spouse or civil partner; or
- (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 other person has the interest.

- 4.2 You must -

4.2.1 comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest

4.2.2 ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests

4.2.3 make a verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent

4.2.4 Where you have a disclosable pecuniary interest, whether the interest is registered or not, you must not (unless you have obtained a dispensation from the Parish Council) –

- (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.

5 Other Interests

- 5.1 In addition to the requirements of Paragraph 4, if you attend a meeting at which any item of business is to be considered and you are aware that you have a “non-disclosable pecuniary interest or non-pecuniary interest” in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent
- 5.2 You have a “non-disclosable pecuniary interest or non-pecuniary interest” in an item of business of your Parish Council where –
 - 5.2.1 a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Parish Council Tax payers, ratepayers or inhabitants of the parish area for which you have been elected or otherwise of the Parish Council’s administrative area, or
 - 5.2.2 it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code, but in respect of a member of your family (other than a “relevant person”) or a person with whom you have a close association and that interest is not a disclosable pecuniary interest.

6 Gifts and Hospitality

- 6.1 You must, within 28 days of receipt, notify the Parish Clerk in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a Member from any person or body other than the Parish Council.
- 6.2 The Parish Clerk will place your notification on a public register of gifts and hospitality.

Appendix

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 - amended to replace “relevant authority” by “Parish Council” and M(ember of relevant authority) by “you”–

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the Parish Council) 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.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Parish Council—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the Parish Council.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the Parish Council for a month or longer.
Corporate tenancies	<p>Any tenancy where (to your knowledge)—</p> <p>(a) the landlord is the Parish Council; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to your knowledge) has a place of business or land in the area of the Parish Council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p>

(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.

For this purpose –

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“member” includes a co-opted member;

“relevant authority” means the authority of which you are a member;

“relevant period” means the period of 12 months ending with the day on which you give a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means you or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.