

PURPOSE OF REPORT

1. To approve a Code of [Members'] Conduct

RECOMMENDATION

2. That the Council approves the draft Code of Conduct attached at Appendix 1. This is the option referred to in paragraph 9(b) below.

BACKGROUND

3. The Parish Council meeting held on 24 April 2012 approved a new version of Standing Orders that includes at para 6a "**Code of Conduct** - All councillors shall observe the code of conduct adopted by the Council".
4. The meeting was also informed that notice had been received from Basingstoke & Deane Borough Council (B&DBC) that a new version of the Code of Conduct was due to be issued later in 2012.
5. Hampshire Association of Local Councils (HALC) subsequently advised that the new statutory ethical framework would be in force from 1 July 2012. From that date the 2007 Codes of Members' Conduct would cease to have effect and the existing administrative arrangements would cease to apply. All local councils are therefore obliged to adopt a new Code of Members' Conduct.
6. The Government's policy is not to prescribe a Code of Members' Conduct. Although no timetable is prescribed by Government, it follows that adoption should occur as soon as practicable, as the power to do so applied from 7 June 2012 and all existing Codes of Members' Conduct ceased to have effect from 1 July 2012.
7. While there are several model Codes of Conduct available, the Localism Act 2011 presumes that parish councils will take the lead from their borough council for consistent application throughout the borough.
8. B&DBC advised, through minutes of their meeting 23rd February 2012, that there was very little risk to councils being challenged on the late adoption of a Code of Conduct and that, until a new Code is adopted, the old one would apply. The Clerk has been unable to find a copy of any previous Code of Conduct adopted by the Council and so the Council does not have a fall-back position.
9. B&DBC advised parish councils to adopt one of the two routes set out below:-
 - a. Resolve to adopt such code of conduct which may from time to time be adopted by Basingstoke and Deane Borough Council in so far as is relevant to a parish council; or
 - b. Could adopt the code of conduct which will be sent to them shortly. This is similar to that which will be adopted by B&DBC, with amendments to account for relevance to parish councils.
10. A copy of the Code of Conduct recommended for parish councils was received from B&DBC by email Friday 10th August 2012 and is attached at Appendix 1. It has been amended solely to personalise it for Hannington Parish Council eg by use of 'Clerk' in place of 'Monitoring Officer'.

CODE OF CONDUCT FOR PARISH COUNCILS

This Code applies to you as a member of Hannington Parish Council when you act in your role as a member. You are expected to familiarise yourself with the requirements of this Code and to adhere to those requirements.

PART 1 - GENERAL PROVISIONS

Introduction and interpretation

1. (1) This Code applies to all members of Hannington Parish Council ("the Council") including co-opted members.
- (2) You should read this Code together with the Nolan Principles of Public Life [see (a) to (g) below], and these principles should be used as a guide to interpretation of this Code and to assist in determining whether a breach of this Code has occurred. The Nolan Principles of Public Life are as follows:
 - (a) **Selflessness**

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
 - (b) **Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
 - (c) **Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
 - (d) **Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
 - (e) **Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
 - (f) **Honesty**

Holders of public office 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**

Holders of public office should promote and support these principles by leadership and example.

- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code:
 - (a) "meeting" means any meeting of—
 - (i) Hannington Parish Council;
 - (ii) any of the Council's committees, sub-committees, joint committees, joint sub-committees, or area committees
 - (b) "member" includes a co-opted member and an appointed member.

General Obligations

- 2. (1) You must treat others with respect.
- (2) You must not:
 - (a) do anything which may cause the Council to breach any of the equality enactments (as defined in section 33 of the Equality Act 2010);
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be:
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's Code of Conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, Hannington Parish Council.
- 3. You must not:
 - (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made 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
 - (iv) the disclosure is:
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.

4. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

5. You:
- (a) must not use or attempt to use your position as a member of Hannington Parish Council improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of your authority:
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 ¹.
6. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by Hannington Parish Council's Clerk and any external advisors
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by Hannington Parish Council.

PART 2 – INTERESTS

7. Disclosable Pecuniary Interests

- (1) You have a disclosable pecuniary interest if:
- (a) such interest is one which is specified by regulations made from time to time by the Secretary of State (and the current specified interests are those set out in Annex 1 hereto); and
 - (b) it is an interest of yours, or
 - (c) it is an interest of:
 - (i) your spouse or civil partner;
 - (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 partnersand you are aware that that other person has the interest.

8. Disclosure of Pecuniary Interests

- (1) Subject to sub-paragraphs (2) to (3), where you have a disclosable pecuniary interest in any business of Hannington Parish Council and you attend a meeting of the Council at which the business is considered, you must disclose at the beginning of that meeting the existence and nature of that interest.
- (2) Where you have a pecuniary interest in any business of Hannington Parish Council and a function of your Council may be discharged by you acting alone in relation to that business, you must:
- (a) ensure you notify the Clerk of the existence and nature of that interest.

¹ 1986 c.10.

- (b) If the interest has not already been recorded notify the Clerk of the interest within 28 days beginning with the date of the meeting.
- (3) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of a pecuniary interest.

9. Effect of pecuniary interests on participation

- (1) Subject to sub-paragraph (2), where you have a pecuniary interest in any business of Hannington Parish Council:
 - (a) you must withdraw from the room or chamber where a meeting considering the business is being held:
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;unless you have obtained a dispensation from your authority;
 - (b) you must not seek improperly to influence a decision about that business.
- (2) Where you have a pecuniary interest in any business of Hannington Parish Council, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.
- (3) If a function of your authority may be discharged by a member acting alone and you have a disclosable pecuniary interest in any matter to be dealt with or being dealt with in the course of discharging that function you may not take any steps or any further steps in relation to the matter (except for the purpose of enable the matter to be dealt with otherwise than by yourself).
- (4) It is a criminal offence if you fail to register or disclose a pecuniary interest.

PART 3 – REGISTRATION OF MEMBERS' INTERESTS

Registration of members' interests

- 10. (1) Subject to paragraph 11, you must, within 28 days of:
 - (a) this Code being adopted by or applied to Hannington Parish Council; or
 - (b) your election or appointment to office (where that is later),register in the Council's Register of Members' interests (maintained under section 29(1) of the Localism Act 2011) details of:
 - (i) disclosable pecuniary interests where they fall within a category mentioned in paragraph 7(1) in so far as you are aware of the interest at that time and
 - (ii) such other pecuniary and non pecuniary interests as from time to time referred to on the Register of Members interest form.
- (2) Subject to paragraph 11, you must, within 28 days of becoming aware of any new pecuniary interest or change to any pecuniary interest registered under paragraph (1), register details of that new pecuniary interest or change by providing written notification to Hannington Parish Council's Clerk.

11. Sensitive Interests

- (1) Where you are concerned that disclosure of the detail of an interest, either a disclosable pecuniary interest or any other interest, which you would be required to disclose at a meeting or on the register of members' interests would lead to you or a person connected to you being subject to violence or intimidation, you may request the Clerk to agree that the interest is a "sensitive interest".
- (2) If the Clerk is in agreement, you will be required to disclose that you have a disclosable pecuniary interest, but not the detail in the matter concerned at meetings, and the Clerk can exclude the detail of the interest from the published version of the Register of Members' interests.

Approved by Hannington Parish Council on 18th September 2012

Signed by: _____ Tim May, Chairman