



# Lanreath Parish Council Member Code of Conduct

Version Number	Date Proposed	Date Reviewed	Date Approved
1	15 <sup>th</sup> March 2019	19 <sup>th</sup> March 2019	19 <sup>th</sup> March 2019
2	8th June 2020	16 <sup>th</sup> June 2020	16 <sup>th</sup> June 2020

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## **1. APPLICATION OF THE CODE OF CONDUCT**

- 1.1 This Code applies to you as a Member of the Council.
- 1.2. This Code should be read together with the preceding general principles of public life.
- 1.3. It is your responsibility to comply with the provisions of this Code.
- 1.4 Subject to paragraphs 1.5, 1.6 and 1.7 of this Code you must comply with this Code whenever you:
  - i) conduct the business of the Council, which in this Code includes the business of the office to which you have been elected or appointed; or
  - ii) act, hold yourself out as acting or conduct yourself in such a way that a third party could reasonably conclude that you are acting as a representative of the Council and references to your official capacity are construed accordingly.
- 1.5 Where you act as a representative of the Council:
  - i) on another authority which has a Code of Conduct, you must, when acting for that other authority, comply with that other authority's Code of Conduct; or
  - ii) on any other body, you must, when acting for that other body, comply with this Code of Conduct, except and insofar as it conflicts with any lawful obligations to which that other body may be subject.
- 1.6 Where you are also a member of an authority other than the Council you must make sure that you comply with the relevant Code of Conduct depending on which role you are acting in. Your conduct may be subject to more than one Code of Conduct depending on the circumstances. Advice can be sought from the proper officer of the Council (usually the Clerk to the Council).

## **2. GENERAL OBLIGATIONS**

- 2.1 You must treat others with respect.
- 2.2 You must not treat others in a way that amounts to or which may reasonably be construed as unlawfully discriminating against them.
- 2.3 You must not bully any person.
- 2.4 You must not conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by Members.
- 2.5 You must not accept any gifts or hospitality with a value in excess of fifty pounds. There is no requirement to register or declare any gifts or hospitality which have been offered or received.
- 2.6 You must not do anything in your official capacity to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your other interests.
- 2.7 You must not intimidate or attempt to intimidate others.

- 2.8 You must not do anything which compromises or is likely to compromise the impartiality of those who work for or on behalf of the Council.
- 2.9 You must not 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 in writing not to disclose the information to any Other person before the information is provided to them; or
  - (iv) the disclosure is –
    - a) reasonable and in the public interest; and
    - b) made in good faith; and
    - c) in compliance with the reasonable requirements of the authority, which requirements must be demonstrable be reference to an adopted policy, procedure or similar document of the Council or evidenced by advice provided by the proper officer of the Council (usually the Clerk to the Council) or their nominee.
- 2.10 You must not prevent or attempt to prevent another person from gaining access to information to which that person is entitled by law.
- 2.11 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.
- 2.12 You must not use or attempt to use your position as a member of the Council improperly to confer on or to secure for yourself or any other person an advantage or disadvantage.
- 2.13 You must when using the resources of the Council:
- (i) have the prior formal permission of the Council;
  - (ii) act in accordance with the reasonable requirements of the Council;
  - (iii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
  - (iv) have regard to any statutory or other requirements relating to local authority publicity.
- 2.14 You must not authorise the use of the Council's resources by yourself or any other person other than by your participation in a formal decision made at a meeting and in accordance with the Council's standing orders or other procedural rules.
- 2.15 When reaching decisions on any matter you must have regard to any relevant advice provided to you by the proper officer of the Council (usually the Clerk to the Council).

2.16 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

### **3. REGISTERING AND DECLARING INTERESTS AND WITHDRAWAL FROM MEETINGS**

3.1 The provisions of this Part of this Code are subject to the provisions of Part 4 of this Code relating to sensitive interests.

3.2 Within 28 days of becoming a Member you must notify the Monitoring Officer of any disclosable pecuniary interest that you have at the time of giving the notification.

3.3 Where you become a Member as a result of re-election or your co-option being renewed you need only comply with paragraph 3.1 of this Code to the extent that your disclosable pecuniary interests are not already entered on the register at the time the notification is given.

3.4 You are not required to notify non-pecuniary interests to the Monitoring Officer for inclusion in the register.

3.5 If you are present at a meeting and you are aware that you have a prejudicial or a disclosable pecuniary interest, whether registered or not, in any matter being considered or to be considered at the meeting you must disclose that interest to the meeting and, unless you have the benefit of a current and relevant dispensation in relation to that matter, you must:

- i) not participate, or participate further, in any discussions of the matter at the meeting;
- ii) not participate in any vote, or further vote, taken on the matter at the meeting; and
- iii) remove yourself from the meeting while any discussion or vote takes place on the matter, to the extent that you are required to absent yourself in accordance with the Council's standing orders or other relevant procedural rules, unless you have obtained a dispensation from the Parish Clerk.

3.6 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of the Council in respect of:

- i) housing, where you are a tenant of your Council provided that those functions do not relate particularly to your tenancy or lease;
- ii) school meals or school transport and travelling expenses, 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;
- iii) 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;
- iv) an allowance, payment or indemnity given to members;
- v) any ceremonial honour given to members; and

- vi) setting council tax or a precept under the Local Government Finance Act 1992.
- 3.7 Where a Member has a prejudicial interest in a matter to which paragraph 3.5 relates that does not benefit from a valid dispensation and that interest arises only from the member's participation in or membership of a body whose objects or purposes are charitable, philanthropic or otherwise for the benefit of the community or a section of the community the Member may with the permission of the Chairman of the meeting or until such time as the Chairman directs the Member to stop address the meeting to provide such information as they reasonably consider might inform the debate and decision to be made before complying with paragraphs 3.5(i), (ii) and (iii).
- 3.8 Where you are aware of a personal interest described in paragraph 5.1 in any business of the Council, 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 start of the consideration of that business, or when the interest becomes apparent to you.
- 3.9 If a disclosable pecuniary interest to which paragraph 3.5 relates is not entered in the register and has not already been notified to the Monitoring Officer at the time of the disclosure you must notify the Monitoring Officer of that interest within 28 days of the disclosure being made at the meeting.
- 3.10 Within 28 days of becoming aware of any new disclosable pecuniary interest, or change to any disclosable pecuniary interest already registered or notified to the Monitoring Officer, you must notify that new interest or the change in the interest to the Monitoring Officer.
- 3.11 All notifications of disclosable pecuniary interests to the Monitoring Officer must be made in writing and such disclosures as are made at meetings must be confirmed in writing to the Monitoring Officer.
- 3.12 You must notify the proper officer of your Council in writing of the detail of all disclosable pecuniary interests that are notified or confirmed to the Monitoring Officer.
- 3.13 Where you have a prejudicial interest in any business of the Council, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business and you leave the meeting room immediately after making representations, answering questions or giving evidence.
- 3.14 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of the Council in respect of:
- i) housing, where you are a tenant of your Council provided that those functions do not relate particularly to your tenancy or lease;
  - ii) school meals or school transport and travelling expenses, 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;

- iii) 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;
- iv) an allowance, payment or indemnity given to members;
- v) any ceremonial honour given to members; and
- vi) setting council tax or a precept under the Local Government Finance Act 1992.

## 4 SENSITIVE INTERESTS

- 4.1 Sensitive Interests are a Disclosable Pecuniary Interest, a Personal or a Prejudicial Interest where you consider that disclosure of the interest could lead to you or a person connected with you being subject to violence or intimidation and the Monitoring Officer agrees with that assessment.
- 4.1 Members must notify the Monitoring Officer of the details of sensitive interests but the details of such interests will not be included in any published version of the register.
- 4.2 The requirement in paragraphs 3.5 and 3.8 of this Code to disclose interests to meetings shall in relation to sensitive interests be limited to declaring the existence of an interest and the detail of the interest need not be declared.

## 5(A). DISPOSABLE PECUNIARY INTERESTS

In this Part of the Code the expressions in the left hand column have the meanings attributed to them in the right hand column.

“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”	includes an easement, servitude, interest, or right 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
“relevant authority”	means the authority of which you are a member
“relevant person”	means you, your spouse or civil partner, a person with whom you are living as husband and wife or a person with whom you are living as if you are civil partners.

"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
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The following table sets out the disclosable pecuniary interests that have been prescribed by the Secretary of State for the purposes of the Code of Conduct and the Localism Act, 2011

Interest	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
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 you in carrying out your duties as a member, or towards the election expenses of you. 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 relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority under which goods and services are to be provided or works are to be executed that has not been fully discharged
Land	Any beneficial interest in land which is within the area of the relevant authority
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer
Corporate tenancies	Any tenancy where, to your knowledge the landlord is the relevant authority and the tenant is a body in which the relevant person has a beneficial interest

Securities	Any beneficial interest in securities of any body where that body, to your knowledge, has a place of business or land in the area of the relevant authority and either the total nominal value of the securities exceeds £25,000 or one hundredth of the total of the issued share capital of that body or if the share capital of that body is of more than one class the total nominal value of the shares in any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class
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## 5(B). NON-PECUNIARY INTERESTS. PERSONAL OR PREJUDICIAL

5.1 You have a personal interest in any business of the Council where:

- a) it relates to or is likely to affect;
  - i. 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;
  - ii. any body:
    - exercising functions of a public nature;
    - established for charitable purposes; or
    - one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- b) a decision in relation to any business of the Council might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a member of your family or any person with whom you have a close association (a significant person) to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division, as the case may be, affected by the decision.

5.2 Where you have a personal interest in any business of your 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 any significant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division, as the case may be, affected by the decision. (other than another town parish district or county council of which you are also a member); or

- b) relates to determining any approval, consent, licence, permission or registration in relation to you or any significant person (other than another town parish district or county council of which you are also a member).