

# Edlington Town Council

## Code of Conduct for Members

### 1. Application

- (1) This Code applies to **you** whenever you are acting in your capacity as a member of Edlington Town Council, including –
  - 1.1 at meetings of the Council, its Committees and Sub-Committees.
  - 1.2 when acting as a representative of the Council
  - 1.3 in taking any decision as a Town Councillor
  - 1.4 in discharging your functions as a town Councillor
  - 1.5 at briefing meetings with officers
  - 1.6 at site visits
  - 1.7 when corresponding with the council other than in a private capacity
- (2) It is your responsibility to comply with the provisions of this Code.
- (3) This Code is based upon the general principles set out in Annex 1 to this Code, which have been adopted by this authority as its ethical values and which incorporate the seven Nolan Principles of Public Life.
- (4) In this Code—

“meeting” means any meeting organized by or on behalf of the council, including—

  - (a) any meeting of the Council, or a Committee or Sub-Committee of Council
  - (b) in taking a decision as a Town Councillor.
  - (c) at any briefing by Officers; and
  - (d) at any site visit to do with business of the council

“member” includes a co-opted member and an appointed member.
- (5) In relation to a parish council, references to the monitoring officer and standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of Doncaster Metropolitan Borough Council which has functions in relation to the parish council for which it is responsible under Chapter 7 of Part 1 of the Localism Act 2011.

### 2. General Conduct

#### You must –

- 2.1 provide leadership to the council and communities within its area, by personal example;
- 2.2 respect others and not bully any person;
- 2.3 not 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 council's code of conduct;
- 2.4 not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your council;
  - 2.5 respect the confidentiality of information which you receive as a Member by:-
    - 2.5.1 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
    - 2.5.2 not obstructing third parties' legal rights of access to information
  - 2.6 not conduct yourself in a manner which could reasonably be regarded as bringing your office or council into disrepute;
  - 2.7 use your position as a Member in the public interest and not for personal advantage;
  - 2.8 accord with the council's reasonable rules on the use of public resources for private and political purposes;
  - 2.9 exercise your own independent judgement, taking decisions for good and substantial reasons –
    - 2.9.1 attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups;
    - 2.9.2 paying due regard to the advice of Officers, and in particular to the advice of Town Clerk, Responsible Financial Officer and the Monitoring Officer; and
    - 2.9.3 stating the reasons for your decisions where those reasons are not otherwise apparent
  - 2.10 account for your actions, particularly by supporting the council's scrutiny function;
  - 2.11 ensure that the council acts within the law.

### **3. Disclosable Pecuniary Interests**

A Disclosable Pecuniary Interest is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the descriptions set out in Annex 2 to this Code.

You must -

- 3.1 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;
- 3.2 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;

- 3.3 make verbal declaration of the existence and nature of any Disclosable Pecuniary Interest at any meeting at which you are present and where 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. In these circumstances, you must not participate or vote on the matter. You are only required to declare such an interest if it is not already entered in your Register of Interests or if you have not notified the Monitoring Officer of it. A Member with a Disclosable Pecuniary Interest is required to withdraw from the meeting (including the public gallery) in accordance with the Council's Standing Orders governing conduct at meetings.

#### **4. Other Interests**

- 4.1 In addition to the requirements of Paragraph 3, 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.

- 4.2 You have a "Non-Disclosable Pecuniary Interest or Non-Pecuniary Interest" in an item of business of your authority where –

4.2.1 a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the parish for which you have been elected or otherwise of the authority's administrative area, or

4.2.2 it relates to or is likely to affect any of the interests listed in the Table in Annex 2 to this Code, but in respect of a member of your family (other than a partner) or a person with whom you have a close association

and that interest is not a Disclosable Pecuniary Interest.

#### **5. Gifts and Hospitality**

- 5.1 You must, within 28 days of receipt, notify the Monitoring Officer 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 authority.

- 5.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.

- 5.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.

## **6. Registration of Members' Interests**

### **Registration of Members' Interests**

(1) Subject to paragraph 6(3) you must, within 28 days of—

- (a) this Code being adopted by your authority; or
- (b) your election or appointment to office (where that is later), register in your authority's register of members' interests (maintained under section 29 of the Localism Act 2011) details of your Disclosable Pecuniary Interests as defined in Annex 2 to this Code, by providing written notification to your authority's Monitoring Officer.

(2) Subject to paragraph 6(3), you must, within 28 days of becoming aware of any new Disclosable Pecuniary Interest or change to any Disclosable Pecuniary Interest registered under paragraph 6(1), register details of that new Disclosable Pecuniary Interest or change by providing written notification to your authority's Monitoring Officer.

### **Sensitive information**

(3) Where you consider that the information relating to any of your Disclosable Pecuniary Interests is sensitive information, and your authority's Monitoring Officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 6(1).

(4) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 6(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.

(5) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person connected to you may be subjected to violence or intimidation.

## **7. Dispensations**

The authority may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

## **8. Offences**

It is a criminal offence to:

- (i) Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election;
- (ii) Fail to disclose a Disclosable Pecuniary Interest at a meeting if it is not on the Register of Member's Interests;

- (iii) Fail to notify the Monitoring Officer within 28 days of a Disclosable Pecuniary Interest that is not on the Register that you have disclosed to a meeting;
- (iv) Participate in any discussion or vote on a matter in which you have a Disclosable Pecuniary Interest;
- (v) Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a Disclosable Pecuniary Interest or in disclosing such interest to a meeting.

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

## STATEMENT OF VISION AND VALUES

This Council adopts the following general principles as its ethical values:-

1. **Selflessness** - Members should act 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.
2. **Integrity** - Members should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
3. **Objectivity** - In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards or benefits, Members should make choices on merit.
4. **Accountability** - Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with any scrutiny appropriate to their particular office.
5. **Openness** - Members 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.
6. **Personal Judgement** - Members may take account of the view of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.
7. **Respect for Others** - Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the Authority's Statutory Officers, and its other employees.
8. **Duty to Uphold the Law** - Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.
9. **Stewardship** - Members should do whatever they are able to do to ensure that their Authorities use their resources prudently and in accordance with the law.
10. **Honesty** – 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.
11. **Leadership** - Members should promote and support these principles by leadership and by example and should act in a way that secures or preserves public confidence.

## 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 as follows –

<i>Interest</i>	<i>Prescribed description</i>
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 M in carrying out duties as a member, or towards the election expenses of M. 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 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.
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 M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's 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.

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;

“M” means a member of a relevant authority;

“Member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

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

“relevant person” means M 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.