

CODE OF CONDUCT OF KILBY PARISH COUNCIL

Introduction

Pursuant to section 27 of the Localism Act 2011 Kilby Parish Council has adopted this Code of Conduct to promote and maintain high standards of behaviour amongst the elected and co-opted members of the Council.

The Code is underpinned by the principles of public life; selflessness, integrity, objectivity, accountability, openness, honesty and leadership, which should be borne in mind when interpreting the meaning of the Code.

As a Councillor you are a representative of Kilby Parish Council and the public and other stakeholders will form a view of the Council as a result of your actions. As such you must conduct yourself in a manner which is consistent with the Council's duty to promote and maintain high standards of conduct of Councillors.

Adopted at the meeting of Kilby Parish Council on 12th September 2023

PART 1

GENERAL PROVISIONS

1. Definitions

- 1.1 You should read this Code in conjunction with the Council's Standing Orders
- 1.2 This Code applies to **you** as a member of Kilby Parish Council.
- 1.3 It is **your** responsibility to comply with the provisions of this Code and ensure all obligations are met.
- 1.4 In this Code:

 "Meeting" means any meeting of: Kilby Parish Council
- 1.5 **"Member"** means any person being an elected or co-opted member of Kilby Parish Council.

2. Scope

- 2.1 You must comply with this Code whenever you act, claim to act or give the impression you are acting as a representative of the Parish Council

3. Obligations

- 3.1 In addition to the above principles, you will: -
 - (a) Behave in a way that a reasonable person would regard as respectful and courteous and not act in any way that a reasonable person would regard as bullying or intimidating.
 - (b) Follow the law in relation to the policies of the Council and its legal obligations.
 - (c) Not disclose or use confidential information for any other purpose other than that provided by the law.
 - (d) Use those particular Council resources provided for the undertaking of Council duties in accordance with the Council's policies and not for any other purposes.
 - (e) Any Member appointed to represent the Parish Council on an outside body may not accept a position as an officer of that body should it hold an agreement with the Parish Council.

PART 2

INTERESTS

4. **Disclosable Pecuniary Interests**

4.1 Subject to Paragraph 7 (sensitive interests), you must within 28 days of

- (a) this code being adopted or
- (b) your election or appointment (where that is later)

Notify the Monitoring Officer of any Disclosable Pecuniary Interests where such interest is

- (i) yours,
- (ii) your spouse's or civil partner's
- (iii) somebody with whom you are living as husband and wife or civil partners
- (iv) that of your family,
- (v) close associate.

and you are aware that that person has the interest

4.2 You must within 28 days of becoming aware of any new Disclosable Pecuniary Interest or any change to any such interest, notify the Monitoring Officer in writing of that new interest.

4.3 You have a Disclosable Pecuniary Interest if it is of a description specified in Regulations made by the Secretary of State and attached as an Appendix to this Code.

4.4 Where such an interest exists and has or has not been entered onto the Council's register, you must disclose the interest to any meeting of the Parish Council at which you are present, where you have a Disclosable Interest in any matter being considered and where the matter is not a 'sensitive interest' or where no dispensation has been given.

4.5 Following any disclosure of an interest not on the Council's register or the subject of pending notification, you must notify the Monitoring Officer in writing of the interest within 28 days beginning with the date of disclosure.

4.6 Where you have a Disclosable Pecuniary Interest, you must not remain in the meeting or participate in the discussions on the matter on which you hold that Interest, unless members of the public are allowed to make representations, give evidence or answer questions about the matter.

5. Disclosable Non-Pecuniary Interests and Non-Disclosable Pecuniary Interests

5.1 Subject to Paragraph 7 (sensitive interests), you must within 28 days of

- (a) this code being adopted or
- (b) your election or appointment (where that is later)

Notify the Monitoring Officer of any Disclosable Non-Pecuniary Interests through the Register of Interest Form.

5.2 You have a Disclosable Non-Pecuniary Interest if it is of a description specified in Regulations made by the Secretary of State

5.3 Where you have a Disclosable Non-Pecuniary Interest you may remain in the meeting, speak and vote on the matter unless to do would compromise your impartiality obligations or any other obligations set out in this Code.

5.4 Where you have a Non-Disclosable Pecuniary Interest you should declare that interest when the interest arises and you must not vote or participate in the discussions on the matter and will leave the room if required by Standing Orders on Council Procedure Rules.

6. Dispensations

6.1 Dispensations may be granted by the Proper Officer (Clerk) for an appropriate time (up to four years) on request in writing from you

6.2 Requests for dispensations must be made in writing by completing the Dispensation Request Form (APPENDIX B)

6.3 Requests should be made prior to a meeting on receipt of your Agenda

6.4 Dispensations will only be granted where there are reasonable grounds for doing so and where such grounds are in the public interest

7. Sensitive Interests

7.1 A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

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 vacation	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.

APPENDIX A

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;

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“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 section 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.

DISPENSATION REQUEST FORM

Please give full details of the following in support of your application for a dispensation. If you need any help completing this form please contact the parish clerk.

Your name	
The business for which you require a dispensation (refer to agenda item number if appropriate)	
Details of your interest in that business	
Date of meeting or time period (up to 4 years) for which dispensation is sought	
Dispensation requested to participate, or participate further, in any discussion of that business by that body	Yes / No
Dispensation requested to participate in any vote, or further vote, taken on that business by that body	Yes / No
REASON(S) FOR DISPENSATION 33 a) without the dispensation the number of persons unable to participate in the transaction of business would be so great as to impede the transaction of the business	
33b) without the dispensation the representation of different political groups would be affected so as to alter the likely outcome of any vote	
33c) the dispensation is in the interests of persons living in the authority's area	
33e) that it is otherwise appropriate to grant a dispensation Reason :	

Signed: _____ Dated: _____

<p>DECISION :</p> <p>Dispensation Given : YES / NO LENGTH OF DISPENSATION.....</p> <p>Date:Minute Number:</p> <p>Signed : Clerk to the Council</p>
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