

The Kirkby la Thorpe Parish Council Members' Code of Conduct

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1. Introduction and Interpretation

- a) This Code applies to you as a Member of Kirkby la Thorpe Parish Council (“the Council”) when you act in your role as a Member, Co-opted Member or appointed Member.
- b) You are a representative of the Council and the public will view you as such. Your actions can impact on how the Council as a whole is viewed.
- c) This Code is based on and is consistent with the principles of public life set out in Section 28 Localism Act 2011 which Kirkby la Thorpe Parish Council endorses: -
 - selflessness
 - integrity
 - objectivity
 - accountability
 - openness
 - honesty
 - leadership

Kirkby la Thorpe Parish Council is under a duty to promote and maintain high standards of conduct by elected Members, co-opted Members or appointed Members.

- d) It is your responsibility to comply with the provisions of this Code when acting in your capacity as an elected Member, co-opted Member or appointed Member.
- e) In this Code –
 - “meeting” means any meeting of
 - the Council;
 - the Executive;
 - any of the Council’s Committees, Sub Committees, Panels, Joint Committees, Joint Sub Committees, Area Committees, or Special Interest Groups.

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- f) Members should note that the Act creates specific criminal offences in relation to the disclosure of pecuniary interests (pecuniary interests are contained in Appendix A). It is a criminal offence:-
- i. to fail to register a Disclosable Pecuniary Interest (DPI) you are aware of within 28 days of your election or re-election;
 - ii. to take part in the debate or vote at any meeting where you have a registered or unregistered DPI;
 - iii. to fail to declare at a meeting and/or to take part in the debate or vote, if you are aware you have a DPI which is not yet registered or notified to the Monitoring Officer;
 - iv. if you have declared an unregistered DPI at a meeting, to fail to register that within 28 days of that declaration;
 - v. to provide false or misleading information in relation to any registration or to be reckless as to its accuracy;
 - vi. to take any steps or further action on a matter in which you have a DPI other than referring it elsewhere;
- in each case without reasonable excuse

Any such failure to notify the Monitoring Officer is a direct contravention of the Act and may be investigated by the police and referred to the Director of Public Prosecutions. Upon conviction a person *may* be fined up to a maximum of £5,000 and/or disqualified for a period of up to 5 years from being or becoming (by election or otherwise) a Member or co-opted Member of Kirkby la Thorpe Parish Council or any other relevant authority.

2. General Obligations

- a) **You should** always treat Member colleagues, officers, other organisations and Members of the public with respect.
- b) **You should not** conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by Members.
- c) **You should 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 legal advice provided that the third party agrees not to disclose the information to any other person; or
 - iv. the disclosure is –
 - (a) reasonable and in the public interest;
 - (b) made in good faith and in compliance with the reasonable requirements of the Council; and
 - (c) you have consulted the Monitoring Officer or taken other independent legal advice prior to its release.
- d) **You should not** prevent another person from gaining access to information to which that person is entitled by law.

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- e) **You should not** use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person an advantage or disadvantage.
- f) When using, or authorising the use by others, the resources of the Council -
 - i. **Do** act in accordance with the Council's reasonable requirements and policies;
 - ii. **Do** ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - iii. **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

3. Gifts and Hospitality

- a) **Do** exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Member.
- b) **Do not** accept significant gifts or hospitality from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage.
- c) **Do** register with the Monitoring Officer any gift or hospitality with an *estimated* value of at least £50 within 28 days of its receipt.

4. Registration of Interests

- a) **Do** notify the Monitoring Officer of your disclosable pecuniary interests (Listed in Appendix A), or other interests which the Council has decided are appropriate for registration (Appendix B), within 28 days of the Authority's Local Code of Conduct being adopted, or within 28 days of being elected or appointed to office.
- b) **Do** similarly notify the Monitoring Officer of any disclosable pecuniary or other interests not already registered within 28 days of your re-election or re-appointment to office.
- c) **Do** be aware that disclosable pecuniary interests include not only your interests but also the interests of your 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 they were a civil partner, so far as you are aware of the interests of that person.
- d) A Member need only declare on the public register of interests the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the Member or a person connected with the Member to be subject to violence or intimidation.

5. Disclosure of Interests and Participation

- a) **Do** disclose to a meeting at which you are present any disclosable pecuniary interest, or other non-pecuniary interest which the Council has decided is appropriate for disclosure. (Where the interest is a sensitive interest you should disclose the interest but not the nature of it).
- b) **Do** notify the Monitoring Officer of any interest not already registered that is disclosed to a meeting under paragraph 5(a) above within 28 days of the disclosure.
- c) **Do** withdraw from the meeting during the consideration of the matter in which you have a disclosable pecuniary interest and **do not** participate in any discussion, or vote on the issue (including any sensitive disclosable pecuniary interest), unless you have been granted a dispensation.
- d) **You can** participate in a discussion and vote on the matter where you have a local choice non-pecuniary interest (including any such sensitive interest).
- e) There are some decisions that affect every Member and where a decision relates to one of the functions of the authority set out below and the condition which follows that function does not apply to you when making that decision, you may participate in that decision:
 - i. housing, where you are a tenant of your authority unless those functions 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.

6. Decision-making and Predetermination

- a) Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life, you should not be prohibited from participating in a decision in your political role as a Member.
- b) However, **do not** place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- c) When making a decision, **do** consider the matter with an open mind and on the facts before the meeting at which the decision is to be made, listening to the advice of relevant parties, including advice from officers, and taking all relevant information into consideration, remaining objective and making decisions on merit.

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Appendix A – Disclosable Pecuniary Interests prescribed by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

Disclosable pecuniary interests include not only your interests but also the interests of your 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 they were a civil partner, so far as you are aware of the interests of that person.

<i>Subject</i>	<i>Prescribed description</i>
1. Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
2. Sponsorship	<p>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.</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(1).</p>
3. 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 relevant authority—</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>
4. Land	Any beneficial interest in land which is within the area of the relevant authority.
5. Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
6. Corporate tenancies	<p>Any tenancy where (to M's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a</p>

beneficial interest.

7. 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.

Appendix B – Local Choice Disclosable Interests

The Council has decided that it is appropriate for you to register and disclose non-pecuniary interests that arise from your Membership of or your occupation of a position of general control or management in the following bodies -

- i. bodies to which you have been appointed or nominated by the Council;
- ii. bodies exercising functions of a public nature;
- iii. bodies one of whose principal purposes include the influence of public opinion or policy.

Notes: References to the 'Monitoring Officer' mean Karen Bradford at North Kesteven District Council (current July 2012)