

Members of St Leonards & St Ives Parish Council are expected to have read and observe this Code of Conduct at all times when carrying out their duties and acting on behalf of the Parish Council in accordance with Standing Order 13 (a).

St Leonards & St Ives Parish Council

Code of conduct

Adopted 27th June 2012 (Minute 64) Reviewed by Members 25th May 2016

Revised and adopted to include item13 on 25th October 2017

Introduction

Pursuant to section 27 of the Localism Act 2011, St Leonards & St Ives Parish Council ('the Council') has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council including the business of the office to which they were elected or appointed or when they claim to act or give the impression of acting as a representative of the Council.

This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

Definitions

For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

Member obligations

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations.

- 1. He/she shall behave in such a way that a reasonable person would regard as respectful.**
- 2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.**
- 3. He/she shall not seek to improperly confer an advantage or disadvantage on any person.**
- 4. He/she shall use the resources of the Council in accordance with its requirements.**
- 5. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.**

Registration of interests

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6. Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register all interests which fall within the categories set out in Appendix A
7. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register any interests in Appendix A
8. A member shall register any change to interests or new interests in Appendix A within 28 days of becoming aware of it.
9. 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.

Declaration of interests

9. Where a matter arises at a meeting which relates to an interest in Appendix A the member shall not participate in a discussion or vote on the matter. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it.
10. Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.
11. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate, the member shall disclose the nature of the interest and withdraw from the meeting. He/she may speak on the matter before withdrawing only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

Dispensations

12. On a written request made to the Council's proper officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he/she has an interest in Appendix A if the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.

Predetermination & Bias

13. Bias and Predetermination are common law concepts. If they affect a Member, their participation in the meeting may call into question the decision arrived at on the item. A challenge can be mounted in the Courts. The test for each concept is as follows:-

Bias Test - In all the circumstances would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased.

Predetermination Test - At the time of making the decision, the decision maker had a closed mind.

The question as to whether the councillors participation in a meeting is affected by bias and predetermination is a matter for the councillor to determine. A Councillor should leave the room where the bias and predetermination tests apply.

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Appendix A

(i) Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried out for profit or gain.
(ii) 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(a).
(iii) 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.
(iv) Land	Any beneficial interest in land which is within the area of the relevant authority.
(v) Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
(vi) 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.
(vii) 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.