

Brereton Parish Council

CODE OF CONDUCT FOR MEMBERS

Brereton Parish Council has adopted this Code of Conduct to promote and maintain high standards of conduct and underpin public confidence in this Parish Council, its members and co-opted members.

The code is based on that adopted by Cheshire East (2012) which was adopted under Section 27 of the Localism Act 2011. The code is based on the following core principles of public life – selflessness, integrity, objectivity, accountability, openness, honesty, respect for others and leadership. It sets out general obligations about the standards of conduct expected of members and co-opted members of Brereton Parish Council, together with provisions about registering and declaring interests.

A. General obligations

Pecuniary interest is defined as: “an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to that person”.

If you fail to attend a Brereton Parish Council meeting for 6 months without giving a reason that is accepted by the Council you will lose office and a ‘casual vacancy’ arises.

Whenever you are acting as a member or co-opted member of Brereton Parish Council (“The Council”) you must act in accordance with the following obligations:

1: Selflessness

You must act solely in the public interest and must never use or attempt to use your position improperly to confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, friends or close associates.

2: Integrity

You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

You should exercise independent judgement. Although you may take account of the views of others (including a political group), you should reach your own conclusions on the issues before you and act in accordance with those conclusions.

3: Objectivity

When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

You should remain objective, listen to the interests of all parties appropriately and impartially and take all relevant information, including advice from the authority’s officers, into consideration.

4: Accountability

You are accountable to the public for your decisions and you must co-operate fully with whatever scrutiny is appropriate to your office, including by local residents.

5: Openness

(a) You must be open and transparent where possible about your decisions and actions and the decisions and actions of your authority. You should be prepared to give reasons for those decisions and actions. You must not prevent anyone getting information that they are entitled to by law.

(b) Where the law or the wider public interest requires it, you must not disclose confidential information or information to which public access is restricted. (see Footnote 1)

6: Honesty

(a) You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests as set out in Section B below.

(b) You must only use or authorise the use of The Council's resources in accordance with The Council's requirements. You must, when using or authorising the use by others of such resources, ensure that they are used for proper purposes only. Resources must not be used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986

7: Respect for others

(a) You must treat others with courtesy. You should engage with colleagues and staff in a manner that underpins mutual respect and courtesy , essential to good local government.

(b) You must not do anything which may cause your authority to breach any equality laws (see Footnote 2).

(c) You must not compromise or attempt to compromise the impartiality of anyone who works for, or on behalf of, The Council.

(d) You must not bully any person, including other councillors, officers of The Council or members of the public. (see Footnote 3)

8: Leadership

You must promote and support high standards of conduct when serving as member or co-opted member of The Council, by leadership and example, championing the interests of the community.

You should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in you.

9: Gifts and Hospitality

You must within 28 days of receipt, notify the Parish Clerk in writing of any gift, benefit or hospitality with a value in excess of £100 which you have accepted as a member from any person or body other than The Council. The Parish Clerk will place your notification on a public register of gifts and hospitality.

Footnotes

1. "Confidential Information" should not be disclosed except in limited circumstances, for example :

- You have the consent of the person authorised to give it
- You are required by law to do so
- The disclosure is made on a confidential basis to a third party in order to obtain professional advice
- You have satisfied yourself that the disclosure is in the public interest

2. "Equality Laws", Brereton Parish Council is committed to equal opportunities law & policies and action to ensure that its employees and the people it serves are not discriminated against on the basis of, for instance, their : age, disability/impairment, employment status, ethnic or national origins, race or colour, HIV status, marital status, religious or political belief, responsibilities for children or dependents, gender, sexuality, trade union activities, unrelated criminal convictions, etc

3. "Bullying" may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour and includes "cyber bullying". It may happen once or be part of a pattern of behaviour. It can be contrasted with the legitimate challenges a member may make in challenging policy or scrutinising performance. You may challenge others as to why they hold their views but must take care to raise issues in the appropriate forum. Ideas and policies may be robustly criticised but individuals should not be subject to unreasonable or excessive personal attack.

B. Registering and declaring pecuniary and non-pecuniary interests

Pecuniary interest is defined as : " an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to that person".

1. You must, within 28 days of taking office as a member or co-opted member, notify the Parish Clerk of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living as a husband or wife, or as if you were civil partners.

2. In addition, you must, within 28 days of taking office as a member or co-opted member, notify the Parish Clerk of any disclosable pecuniary or non-pecuniary interest which The Council has decided should be included in the register.

3. If an interest has not been entered onto The Council's register, then you must disclose the interest to any meeting of The 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'*

4. Following any disclosure of an interest not on The Council's register or the subject of pending notification, you must notify the Parish Clerk of the interest within 28 days beginning with the date of disclosure.

5. Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non pecuniary interest as defined by The Council.

*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.

Extract from the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

The following categories are Disclosable Pecuniary Interests

"M" denotes the relevant Elected Member

Subject	Prescribed 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 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(1).
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.

(1) 1992 c. 52.

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.

NB: Under the Councils Standing Orders any Member of Brereton Parish Council who declares a Disclosable Pecuniary Interest in an item of Business should withdraw from the room at the appropriate juncture.