

EXBOURNE WITH JACOBSTOWE **PARISH COUNCIL**

CODE OF CONDUCT.

This document sets out Exbourne with Jacobstowe Parish Councils approved and agreed practices. Any deviation must be made by resolution of the full Council and recorded below.

Document Number:	EJPC 002
Approved by Resolution Number:	RR2021/004
Minutes Reference:	8.5.21
Ratified on:	05-05-2021
Frequency of review:	Annually at Annual Council Meeting
Version Number:	2.0

Version Control and Revisions.:

Revision History

Date	Version	Notes	
Unknown	1.0	Policy adopted.	
05-05-2021	2.0	Revised Policy Adopted	

Policy Review (where document reviewed but no changes made):

Review Number	Date	Resolution number & Minutes Ref:

THIS IS A CONTROLLED DOCUMENT

Whilst this document may be printed, the electronic version maintained on the Exbourne with Jacobstowe Parish Council laptop is the controlled copy. A .pdf version of this document will be published on the Exbourne with Jacobstowe Parish website. Any printed copies of this document are not controlled.

EXBOURNE WITH JACOBSTOWE PARISH COUNCIL

CODE OF CONDUCT.

Introduction:

Pursuant to section 27 of the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012, Exbourne with Jacobstowe 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 Nolan principles of Public Life which should be borne in mind when interpreting the meaning of the Code:-

SELFLESSNESS: Holders of public office 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.

INTEGRITY: Holders of public office 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.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office 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.

HONESTY: Holders of public office 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.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

Definitions:

- A 'co-opted member' is a person who is Elected by the Council to be a full member of the Council, and is entitled to vote on any question that falls to be decided at any meeting of that Council.
- For the purposes of this Code, a 'meeting' is a meeting of the Council.
- 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:

As a member of the Council when you act, claim to act or gives the impression of acting as a representative of the Council, you have to the following obligations:

1. You must treat others with respect, including members of the public, officers of the Council and any other person with whom you come into contact.
2. You must not bully or intimidate or attempt to bully or intimidate any person.
3. You must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.
4. You must not do anything or act in any way which could reasonably be regarded as bringing either your office of Member or the Council into disrepute.
 - (i) You must not disclose information given to you in confidence by anyone, or information acquired by you or provided to you by the Council which you believe, or ought reasonably to believe, is of a confidential nature or is capable of being treated as confidential.

EXBOURNE WITH JACOBSTOWE PARISH COUNCIL

CODE OF CONDUCT.

(ii) For the avoidance of doubt, information covered by and dealt with by schedule 12A of the Local Government Act 1972 (Part 2 information) is included within 5(i) above.

(iii) Exceptions to the requirement in 5(i) above may arise where you have consent to disclose the information given to you by someone authorised to do so, where you are required by the law to disclose the information, where the disclosure is to a third party for the purpose of obtaining professional advice and the third party agrees not to disclose the information to any other person or where the disclosure is reasonable and in the public interest and made in good faith and in accordance with the requirements of the Council.

5. You must not do anything which may lead the Council to be in breach of any legislation or act in a way which is otherwise unlawful.
6. You must have regard to any relevant advice provided to you by the Council's officers and other external bodies or officers.
7. You must 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.
8. In taking decisions you must exercise independent judgement, take into account all relevant considerations and views, and you must give reasons for your decisions in an open and transparent manner.
9. You must not use the resources of the Council for purposes which conflict with the Council's requirements or for political or personal purposes.
10. You must treat everyone equally, impartially and fairly and represent the residents of the whole of the Parish.

Registration of interests: Important Notes to read before you complete your Register of Interests Form.

Relating to all information in the Register: Under the Act and the Regulations, you must register **Disclosable Pecuniary Interests**. If you fail to do so, and then take part (i.e. speak or vote or both) at a Council or Committee meeting, you may be committing a criminal offence. You must set these out in Part 1 of the Register of Interests. Under the Code of Conduct you must also register **other interests** in Part 2 of the Register. These include membership of specified bodies, or other bodies or interests that might create a conflict of interest in carrying out your duties as a councillor. If you fail to do that it may be contrary to the Code, but it will not be a criminal offence.

You must complete the Register (available from the Clerk), sign and date it, and return it to WDBC's Monitoring Officer (**with a copy sent to the Clerk**) within **28 days** of whichever is the later of:

- your election, appointment or co-option onto the Council, or
- the date that the Council adopts the Code of Conduct

You must tell the Monitoring Officer and send a copy to the Clerk (by completing an [Amendment Form – Appendix C](#)) of any **changes** to your existing interests (or about any new interests disclosed at a meeting that are not already in your Register or been notified to the Monitoring Officer) **within 28 days** of becoming aware of the change/new interest.

The Localism Act requires that the information that you give on this form is kept in a Register that must be:

- available for inspection by the public, and
- published on the Council's website

Disclosable pecuniary interests (DPIs)

DPIs are prescribed by the Regulations. You must state:

- whom you work for,
- the name of anyone who sponsors you in your election
- interests in any land you own or rent or otherwise have an interest in (in the Council's area),

EXBOURNE WITH JACOBSTOWE PARISH COUNCIL

CODE OF CONDUCT.

- any contracts you have with the Council and
- the name companies in which you hold shares (which has a place of business in the Council's area)

As well as your own DPIs you must also register any DPIs **that you are aware of which belong to the person you live with**. This includes your:

- Spouse
- Civil partner, or
- The person you live with as though you are husband and wife or civil partners.

These people are referred to below as your “spouse or partner”

If you participate in a meeting when you have a DPI, and have no dispensation, you may commit a criminal offence, See [Appendix A](#) for more guidance.

It is a requirement that all of your registered interests, and those of your spouse or partner, be published on the Council's.

You need not register interests that are sensitive (as agreed by the Monitoring Officer)

You may apply for a dispensation in specified circumstances where you have a DPI – please speak to the Clerk to the Parish Council or the Monitoring Officer.

Sensitive Information

Where the Monitoring Officer agrees that any information relating to your interests is ‘**sensitive**’, then that information may be excluded from the public. Sensitive information is defined as information whose availability to the public is likely to create a serious risk that any person may be subjected to violence or intimidation.

Please email Monitoring.Officer@swdevon.gov.uk with full details of your reasons why the information should be classed as sensitive.

You must notify the Monitoring Officer within 28 days of any change which means that the information is no longer sensitive.

Personal Interests:

In addition to the disclosable pecuniary interests, WDBC has resolved that **Personal Interests** should also be listed in the register, in the interests of being open and transparent.

You need to declare these other interests but can remain in the meeting room and take part in the debate and vote.

You **do not need** to include your spouse or partner's ‘personal’ interests in Part 2 of the Register.

Prejudicial Interests:

If you do not have a DPI ([Appendix A](#)) in a matter, you will have a prejudicial interest in a matter where:

- (i) a decision on that matter would affect the well-being or financial position of any relevant person, member of your family or close associate more than it would affect the majority of people living within the ward or electoral division affected by the decision and
- (ii) a reasonable member of the public with knowledge of the relevant facts would reasonably think that your interest was so significant that it is likely to prejudice your judgement of the public interest.

Declaration of interests at meetings:

- 1) If you attend a meeting of the Council and have and are aware that the business being conducted at that meeting affects a Disclosable Pecuniary Interest ([Appendix A](#)) or is such that you would have a Prejudicial Interest in the business:
 - (i) you must, disclose to the meeting that you have a DPI or Prejudicial Interest in that matter and if you have not done so already, you must also notify the Monitoring

EXBOURNE WITH JACOBSTOWE PARISH COUNCIL

CODE OF CONDUCT.

Officer of the DPI within 28 days of the meeting by completing the form in Appendix C (and send a copy to the Clerk),

- (ii) unless a Dispensation has been granted, you must NOT participate, or participate further once the interest is known, in any discussion of the matter at the meeting, or participate in any vote, or further vote, taken on the matter at the meeting, and
- (iii) must leave the room whilst discussion on the matter is taking place.

2. If your interest in a matter being discussed at a meeting of the Council is a Personal Interest falling within Appendix B you may remain in the room and participate in the discussion on the matter and may also take part in the vote taken on the matter.

3. Where you consider that the information relating to any of your interests is sensitive information, and the Monitoring Officer agrees, you need not include that information when registering that interest, at a meeting the member shall disclose they have an interest but not the nature of it.

You must, within 28 days of becoming aware of any change of circumstances which means that this information is no longer sensitive information, notify the Monitoring Officer, with a copy to the Clerk, asking that the information be included in the Register of Members' Interests. This should be done by completion of the register amendment form in Appendix C.

Dispensations:

Section 33 of the Localism Act 2011 makes provision for the granting of a dispensation allowing a Member with a Disclosable Pecuniary Interest in a matter to speak and/or vote on that matter.

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 they have an interest in Appendices A and B 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.

[Appendix A – Guide to Disclosable Pecuniary Interest's](#)

[Appendix B – Guide to Other Interests](#)

[Appendix C – Amendment to Registered Interests Form](#)

Appendix A: A Disclosable Pecuniary Interest is an interest described below relating to a member and/or their spouse/civil partner or by the person with whom the member is living as if they were spouses/civil partners:

<i>Subject</i>	<i>Description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the <u>Trade Union and Labour Relations (Consolidation) Act 1992</u> .
Contracts	Any contract made between the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the Council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

EXBOURNE WITH JACOBSTOWE PARISH COUNCIL
CODE OF CONDUCT.

Land	Any beneficial interest in land held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partner which is within the area of the Council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners to occupy land in the area of the Council for a month or longer.
Corporate tenancies	Any tenancy where (to the member's knowledge)— (a) the landlord is the Council; and (b) the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners in securities* of a body where— (a) that body (to the member's knowledge) has a place of business or land in the area of the Council; 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 member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Appendix B: Other Interests

An interest which relates to or is likely to affect:

- (i) any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- (ii) any body—
 - (a) exercising functions of a public nature;
 - (b) directed to charitable purposes; or
 - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which the member of the Council is a member or in a position of general control or management;
- (iii) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.

EXBOURNE WITH JACOBSTOWE PARISH COUNCIL
CODE OF CONDUCT.

Appendix C: Amendment Form.

Please send a copy of the completed form to the Clerk.

Register of Councillors' Interests

Amendment Form

Localism Act 2011

Your name:	
Parish/Town Council:	

I GIVE NOTICE that I have amended my Register of Councillor's Interests as follows:

	Interests on the Register to be amended (Boxes 1 – 6 relate to both you and your spouse/partner)	Details of the change to be made
1.	(i) Nature of employment or business	
	(ii) Name of employer, or name of organisation in which you are a partner or director	
2.	Sponsorship - name of person / organisation who paid your election expenses	
3.	Securities – companies or bodies in which you have a beneficial interest	
4.	Contracts you have with the Council	
5.	Any Land or Licence in your Council's area in which you have a proprietary interest (this includes your home)	
6.	Land subject to a tenancy with your Council	
7.	Changes to details of your Membership of other bodies	
8.	Any other interests	
Signature:		Date:

Please return the completed form by email to: Democratic.Services@swdevon.gov.uk or by post to the Monitoring Officer, West Devon Borough Council, Kilworthy Park, Drake Road, Tavistock PL19 0BZ