**SKELLINGTHORPE PARISH COUNCIL**

**MEMBERS’ CODE OF CONDUCT**

**FOR ELECTED AND CO-OPTED MEMBERS OF SKELLINGTHORPE PARISH COUNCIL**

**Part 1: The Principles**

As a member or co-opted member of Skellingthorpe Parish Council, you have a responsibility to represent the community and work constructively with your fellow members, our staff and partner organisations to secure better social, economic and environmental outcome for all.

When acting in this capacity you must have regard to the following principles in carrying out your duties, in accordance with the requirements of the Localism Act 2011 (The Act);-

1. Selflessness

2. Integrity

3. Objectively

4. Accountability

5. Openness

6. Honesty

7. Leadership

More specifically that means observing the following rules of behaviour to maintain public confidence in the Authority: -

**Principle 1 – Selflessness**

You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

**Principle 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.

**Principle 3 – Objectivity.**

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

**Principle 4 – Accountability**

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

**Principles 5 and 6 – Openness and Honesty**

You must be as open as possible in respect of all your decision and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions. You should only restrict information when the wider public interest clearly demands it (see general obligation 4 also).

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 in a manner conforming with procedures set out in Part3 of this code.

**Principle 7 – Leadership**

You must promote and support the above principles by leadership and example.

In addition, Skellingthorpe Parish Council’s Code also includes provision relating to:

1. Respect Bullying and Harassment

2. Confidential Information

3. Use of Resources

The requirements relating to these aspects are set out in more detail in Part 1 of this Code under General Obligations.

These principles articulate the fundamental values of public service that underpin the conduct of members. The following provisions of the Code of Conduct for members are derived from those principles and provide a set of enforceable minimum standards for the

conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.

**Appendix A**

**Part 2: General Provisions**

**Introduction and Interpretation**

1. This Code applies to YOU as a member of an authority.

(a) You should read this Code together with the general principles set out as above.

(b) It is your responsibility to comply with the provisions of this Code.

© In this Code – meeting means any meeting of –

Your Authority or

Any of your authority’s or its committees, sub-committees, joint committees, or area committees “member” includes any co-opted member.

**Scope**

1. **You must comply with this Code whenever you:**
2. Conduct the business of your authority (which in this Code includes the business of the office to which you are elected or appointed)
3. Act, or claim to act or give the impression you are acting as a representative of your authority and references to your official capacity are construed accordingly.

**Where you act as a Representative or your Authority**

1. On another relevant authority, you must, when acting for that other authority, comply with that other authority’s code of conduct or
2. On any body, you must, when acting for that other body, comply with your authority’s code of conduct, except and insofar as it conflicts with any lawful obligations to which that other body may be subject.

Members should note that the Act creates specific criminal offences in relation to disclosable pecuniary interests (disclosable pecuniary interests are contained in Appendix B together with the offences

Examples, but not an exhaustive list, of how Elected members will display behaviour in accordance with these principles is set out in Appendix A to the Code.

**General Obligations**

**Respect Bullying and Harassment**

Disrespect, Bullying and Harassment can be emotive and subjective issues.

Employment Law is clear that it is the feelings of the recipient that define bullying and disrespect so can vary from individual to individual.

Members need to be mindful that such behaviour can manifest itself in a number of guises, including through the use of electronic communications, social media and in the absence of a person (for example if a person is spoken very badly about or to, present or absent, this can effect third parties and legitimately give rise for complaints)

Councillors at all times must show respect to each other, staff and members of the public and engage with them in an appropriate manner and one that underpins the mutual respect that is essential for local government. Councillors may not always agree with the political views of their member colleagues but they will respect the right for those views to be held.

You must treat others with respect.

**You must not –**

Do anything which may cause your Authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006)

Bully any person

Intimidate or attempt to intimidate any person, including those who are or likely to be –

* A Complainant
* A witness or
* Involved in the administration of any investigations or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority’s code of conduct or
* Do anything which compromise the impartiality of those who work for, or on behalf of, your authority

Note Allegations made under this code relating to respect, bullying and harassment will be assessed within a threshold. This code is not designed to stifle proper robust political debate nor will solely malicious allegations be accepted.

**Confidential Information**

The disclosure of confidential information can seriously undermine the position of your Authority. It can be detrimental to the Council’s reputation, and could result in legal action being taken against your authority. This is particular important in relation to the procurement of contracts.

* Matters which have been discussed in closed/private session
* Reports which have been marked as exempt or restricted
* Staffing matters/salaries
* Code of conduct matters
* Matters relating to contracts under procurement

**Therefore you must not, via any means, including through the social media**

* 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 –
* You have the consent of a person authorised to give it
* You are required by law to do so
* The disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person
* The disclosure is reasonable and in the public interest and made in good faith and in compliance with the reasonable requirements of the authority or
* Prevent another person from gaining access to information to which that person is entitled by law

**Guidance Note: Members considering making public disclosure are advised to seek guidance from the Monitoring Officer/Clerk in the first instance.**

**Use of Resources**

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, as an advantage or disadvantage, and

Must when using or authorising the use by others of the resources of your authority:

* Act in accordance with your authority’s reasonable requirement
* Ensure that such resources are not used improperly for political purposes (including party political purposes).
* Must have regards to any applicable Local Authority Code of Publicity made under the relevant legislation in existence at that time.
* Act in accordance with your Authority’s Social Medial Policy or the equivalent.

**Part 3 Interests**

**Notification of interests**

You must, within 28 days of the adoption of this Code or of taking office as a member or co-opted member, notify the Monitoring Office of any Disclosable pecuniary interests as defined by regulations made by the Secretary of State

Those which are covered by these regulations are listed at Appendix B of this code.

**Note the regulations currently in force apply where the disclosable pecuniary interest is yours, your spouse’s or civil partners or is the pecuniary interest of somebody with whom you are living as a husband or wife or as if you were civil partners.**

If a disclosable pecuniary interest as defined above, has not been entered into the authority’s register you must disclose the interest to any meeting of the authority at which you in any matter being considered and whether the matter is not a sensitive interest. Following any such disclosure of an interest, you must notify the Monitoring Office within 28 days beginning with the date of disclosure.

In addition to the disclosable pecuniary interests above you must within 28 days of becoming ware of any new interests or change to any interest notify the Monitoring office of the details of the new interest or change.

**Definition of Personal Interest**

You have a personal interest in any business of the Authority where either it relates to or is likely to affect:

1. Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority.
2. Anybody exercising functions of a public nature, directed to charitable purposes or one of whose principle purposes including the influence of public opinion or policy (including any pollical party or trade union) of which you are a member or in a position of general control or management or
3. A decision in relation to that business might reasonably be regarded as affecting your wellbeing or financial position or the wellbeing or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or

inhabitants of the electoral division or ward, as the case may be, affected by the decision.

(i) A relevant person is: - a member of your immediate family, namely your mother, father, sister, brother, son, daughter or any person habitually living under the same roof or

(ii)Any person or body who employs or has appointed such persons, any firm, in which they are a partner or any company of which they are directors or

(iii)Any person or body in whom such persons have a beneficial interest and a class of securities exceeding the nominal value pf £25,000 or one hundredth of the total issued share capital of that body.

**Definition of Prejudicial Interests**

The Council has decided that in addition to Pecuniary Interests, as above, you also have a prejudicial interest if you have a personal interest in any business of the authority where the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business:

1. Affects your financial position or the financial position of a person or body described in Definition of a Personal Interest and
2. Relates to the determination of any approval, consent, licence, permission or registration to you or any person or body as described in Definition of a Personal Interest.

**Disclosure of Interests**

**Guidance Notes: Members who are unsure whether they have an interest and, if so, the nature of that interest should seek guidance from the Monitoring Officer/Clerk (ideally in advance of the meeting) Ultimately, however, it is for the Member themselves to determine their position.**

Where you have a personal interest in any business of your Authority and where you are aware or ought reasonably to be aware of the existence of a personal interest and you attend a meeting of the authority where the business is considered, you must disclose to that meeting the existence and nature of the interest at the commencement of the meeting and prior to any discussion of the relevant item, or as soon as the interest become apparent to you. **You can remain in the meeting, take part in the debate and vote on the matter.**

Where you have a personal interest, but by virtue of sensitive information relating to it is not registered in your authority’s Register of Members Interest, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

**Non-Participation in Case of Disclosable Pecuniary Interest (Detailed in Appendix B on back page)**

If you are present at any meeting of the authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting:

1. **You may not participate** in any discussion of the matter at the meeting.
2. **You may not participate** in any vote taken on the matter at the meeting.

© if the interest is not registered, you must disclose the interest to the meeting.

(d)if the interest is not registered and is not the subject of a pending notification,

you must notify the Monitoring Office of the interest withing 28 days.

**In addition, you are required to leave the room where the meeting is being held while any discussion or voting takes place.**

A Member who has left the meeting should not be visible to the remaining committee members, or attempt to contact those not taking part in the meeting, via electronic means, in order as to not influence the decision in any way.

**It is a criminal offence to participate in a decision if you have a DPI.**

**Non-Participation in case of other (local provision) prejudicial interests (those which arrive from a personal interest but effect your or a relevant persons financial position)**

1. Subject to Paragraphs 2 and 3 below where you have a prejudicial interest in any business of your authority:
2. **You may not participate** in any discussion of the matter at the meeting.
3. **You may not participate** in any vote taken on the matter at the meeting.
4. If the interest is not registered, you must disclose the interest to the meeting.
5. If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring officer of the interest with 28 days.

**In addition you are required to leave the room where the meeting is held while any discussion or voting is taking place.**

A Member who has left the meeting should not be visible to the remaining committee members, or attempt to contact those not taking part in the meeting, via electronic means, in order as to not influence the decision in any way.

1. Where you have prejudicial interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise, and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
2. There are some decisions that effect every Member, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of your authority in respect of:-
3. Housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease.
4. School meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or a parent governor of a school, unless it relates particularly to the school which the child attends.

© statutory sick pay under Part XI of the Social Security Contributions and Benefit Act 11992, where you are in receipt of, or are entitled to the receipt of, such pay.

(d) an allowance, payment or indemnity given to members.

(e) any ceremonial honour given to members and

(f) settling council tax or precept under the Local Government Finance Act 1992.

(g) an interest arising from your membership of another Local

Authority or Parish Council.

**Appendix B**

**Disclosable Pecuniary Interest Prescribed by The Relevant Authorities (Disclosable Pecuniary Interest) 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 interest of that person.

**Subject** **Prescribed description**

**Employment, Office,** Any employment, office, trade or vocation

**Trade, profession or**  carried on for profit or gain.

**Vocation**

**Sponsorship A**ny 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 in carrying out duties as

a member, or towards the election expenses. This

includes any payment of 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 perso**n** has

a beneficial interest) and the relevant authority:

(a) Under which goods or services are to be

Provided or works to be executed or

(b)Which has not been fully discharged.

**Land** Any beneficial interest in land which is written

within the area of the relevant authority.

Adopted at Skellingthorpe Parish Council meeting on …………………………………………

Signed …………………………………………………………………………………………………………..(Chair)

Dated ………………………………………………