

Kirkburton Parish Council

Code of Conduct for Members

1 Application

1.1 This Code applies to you as a member of Kirkburton Parish Council (“the authority”) and it is your personal responsibility to comply with the requirements of this Code. This Code applies to you whenever you act in the capacity of an elected or co-opted member of the authority, including –

- 1.1.1 at meetings of the authority
- 1.1.2 when acting as a representative of the authority
- 1.1.3 in discharging your functions as a Parish Councillor
- 1.1.5 at briefing meetings with officers and
- 1.1.6 at site visits
- 1.1.7 when corresponding with the authority other than in a private capacity

1.2 Where you act as a representative of your authority on another local authority, you must, when acting for that other authority, comply with that other authority’s code of conduct.

1.3 Where you act as a representative of your authority on a body which is not another local authority you must, when acting for that other body, comply with this Code, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

2 Interpretation

For the purposes of this Code –

2.1 “member of the authority” includes:

- 2.1.1 elected members; and
- 2.1.2 co-opted members who are entitled to vote on any questions which fall to be determined by the committees, sub-committees, joint committee, joint subcommittees or area committees upon which they sit.

2.2 “meeting” means any meeting of:

- 2.2.1 the authority;
- 2.2.2 any of the authority’s committees, sub-committees, joint committees, joint sub-committees or area committees;

2.3 “body” means any body of which you are a member or in a position of general control or management and –

- 2.3.1 to which you are appointed or nominated by your authority; or
- 2.3.2 which is a body –
 - (a) exercising functions of a public nature; or
 - (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).

2.4 “relevant person” for the purposes of paragraph 5 of this Code means any person or body with whom you have a family, social or business relationship.

3 General Principles

Your conduct as a member should be consistent with the following principles –

3.1 Selflessness

Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person. In particular members should never improperly use their position in order to gain financial or other material benefits for themselves, family, friends or other third parties. Members must, when using or authorising the use by others of the resources of the authority act in accordance with the authority’s reasonable requirements.

3.2 Honesty and Integrity

Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour. In particular members 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 and should never allow their personal interests in the authority’s business to influence their judgement of the public interest. Members should not do anything which compromises or is likely to compromise the impartiality of those who work for or on behalf of the authority.

3.3 Objectivity

Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits. All formal decisions should be made upon the basis of the following principles –

- 3.3.1 having due regard to all relevant considerations and disregarding all irrelevant factors;
- 3.3.2 proportionality (i.e. the action must be proportionate to the desired outcome);
- 3.3.3 lawfulness, financial propriety and prudence;
- 3.3.4 all due consultation;
- 3.3.5 the taking of professional advice from officers; and
- 3.3.6 respect for human rights

3.4 Accountability

Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

3.5 Openness

Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

3.6 Leadership

Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence. In particular members should treat others with respect and not act in a manner likely to bring the office of member or the authority into disrepute.

4 Disclosable Pecuniary Interests

4.1 Disclosable Pecuniary Interests (“DPIs”) are those interests defined as such in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (“the 2012 Regulations”) or in any subsequent regulations which amend, vary or revoke the 2012 Regulations. For the purposes of illustration only, a summary of the 2012 Regulations is set out in the Schedule to this Code of Conduct.

4.2 You must, within 28 days of:

- 4.2.1 adoption of this Code of Conduct by the authority; or
- 4.2.2 taking office as a member or co-opted member of the authority notify the authority’s Monitoring Officer of any DPI, 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 with as a husband or wife, or as if you were civil partners.

4.3 When you are present at a meeting of the authority and you have a DPI in any matter to be considered or being considered at the meeting, and where the matter does not relate to ‘sensitive information’ as defined below, you must disclose the existence and nature of the interest to the meeting.

4.4 Following any disclosure of a DPI not on the authority’s register or the subject of pending notification, you must notify the authority’s Monitoring Officer of that interest within 28 days beginning with the date of disclosure.

4.5 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 DPI and must withdraw from the meeting while the matter is under consideration.

4.6 You must within 28 days of becoming aware of any new DPI or the need to change or update a current DPI registration, notify the authority's Monitoring Officer of those new or revised register entries.

5 Interests which are not Disclosable Pecuniary Interests

5.1 You also have an interest in any business of your authority where a decision in relation to that business

5.1.1 relates to or is likely to affect any body of which you are a member or in a position of general control or management; or

5.1.2 which might reasonably be regarded as affecting your well-being or financial position or the well-being 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.

5.2 Subject to paragraph 5.5, where you have an interest as defined in paragraph 5.1 in any business of your authority which is not a DPI and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

5.3 You do not have an interest for the purposes of paragraph 5.1 unless 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.

5.4 You do not have an interest for the purposes of paragraph 5.1 if the interest relates to the functions of the authority in respect of –

5.4.1 housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

5.4.2 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;

5.4.3 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;

5.4.4 an allowance, payment or indemnity given to members;

5.4.5 any ceremonial honour given to members; and

5.4.6 setting council tax or a precept under the Local Government Finance Act 1992.

5.5 Subject to paragraph 5.6 below, where your interest is one –

5.5.1 which relates to the determining of any approval, consent, licence, permission or registration in relation to you or a relevant person; or

5.5.2 affects your financial position or the financial position of a relevant person

you must also withdraw from the meeting while the matter is under consideration.

5.6 Paragraph 5.2 and 5.5 only applies where you are aware or ought reasonably to be aware of the existence of the interest.

5.7 Where you have an interest which is not a DPI but, by virtue of paragraph 6 , information relating to the interest is sensitive information you must indicate to the meeting that you have an interest, but need not to disclose the sensitive information to the meeting.

5.8 Where you have an interest which is not a DPI in any business of your authority and you are –

5.8.1 a member of a body making an executive decision;

5.8.2 an individual member making an executive decision: or

5.8.3 a member consulted by an officer making an executive decision in relation to that business you must ensure that any written statement of that decision records the existence and nature of that interest.

5.9 For the purposes of paragraph 5.8, “executive decision” is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

6 Sensitive information

6.1 Where you consider that the information relating to any of your interests is sensitive information, and your authority’s monitoring officer agrees, you need not include that information when registering that interest under paragraph 4.

6.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 6.1 is no longer sensitive information, notify your authority’s monitoring officer asking that the information be included in your authority’s register of members’ interests.

6.3 In this Code, “sensitive information” means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person connected with you may be subjected to violence or intimidation.

7 Gifts and Hospitality

7.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which you have accepted from or has been offered to you by any person or body other than the authority.

7.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.

7.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.

SCHEDULE

Regulation 1(2)

Disclosable Pecuniary Interests

Disclosable Pecuniary Interests are the interests specified in the second column of the following table and for the purposes of that table the following definitions apply:

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) (Disclosure of pecuniary interests upon taking office) or section 31(7) (Interests not entered on the authority’s register and not subject to a pending notification), as the case may be, of the Act;

“relevant person” means M or M’s spouse or civil partner, a person with whom M is living as husband and wife or a person with whom M is living as if they were civil partners;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
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>
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>
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	<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 beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to M's knowledge) has a place of business or</p>

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

The above Code was adopted by Kirkburton Parish Council on 7th February 2013.