

# **Tysoe Parish Council**

## **Code of Conduct**

**Date Adopted: 7<sup>th</sup> November 2016**

**Due for review: Annually at May meeting (unless legislative changes require earlier review)**

## Index

<b>Section Number</b>	<b>Title</b>	<b>Pages</b>
1	<b>Introduction</b>	<b>3</b>
2	<b>Definitions</b>	<b>3</b>
3	<b>Member Obligations</b>	<b>4</b>
4	<b>Registration of Interests</b>	<b>4</b>
5	<b>Declaration of Interests at Meetings</b>	<b>5</b>
6	<b>Dispensations</b>	<b>6</b>
	<b>Appendix A</b>	<b>7-8</b>
	<b>Appendix B</b>	<b>9</b>
	<b>Appendix C</b>	<b>10-15</b>

## **1 Introduction**

Pursuant to section 27 of the Localism Act 2011, Tysoe 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.

## **2 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.

## **3 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.

#### **4 Registration of interests**

.1 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 with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B, on the form supplied - Appendix C.

.2 Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B, on the form supplied - Appendix C

.3 A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it, on the form supplied - Appendix C.

.4 A member need only declare 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.

#### **5 *Declaration of interests at meetings***

.1 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.

.2 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.

.3 Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting.

.4 A member only has to declare his/her interest in Appendix B if it is not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter. If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.

.5 Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest of a person in Appendix A), the member shall disclose the nature of the interest and not vote on the matter. He/she may speak on the matter 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.

## **6      **Dispensations****

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 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

Interests described in the table below.

<b>Subject</b>	<b>Description</b>
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 Trade Union and Labour Relations (Consolidation) Act 1992.
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.
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.

\*'director' includes a member of the committee of management of an industrial and provident society.

\*\*'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.

## Appendix B

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.

## Appendix C

### **REGISTER OF MEMBERS' INTERESTS**

I, ....., a member of .....**Council.**, give notice that I have set out below the Disclosable Pecuniary Interests which are required to be notified to the Monitoring Officer further to the provisions of the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

**IMPORTANT : Please**

- (i) Read the accompanying notes before completing each section of the form
- (ii) Remember that the interests to be notified include those of your spouse/partner as detailed on page 1 of the notes and
- (iii) Remember to enter "None" where or if applicable

**Employment, office, trade, profession or vocation**

**Sponsorship**

**Contracts**

**Land**

**Licences**

**Corporate Tenancies**

**Securities**

**Non-Statutory Interests (*Note – these are not disclosable pecuniary interests*)**

**Signed:** .....  
**Councillor**

**Date:** .....

**RECEIVED:**

**Signed:** .....  
**Monitoring Officer of the District Council**

**Date:** .....

## NOTES FOR GUIDANCE

### **General**

Please:

- Write Clearly and in CAPITALS
- Do NOT include any abbreviations or acronyms
- Ensure that you enter "None" in any of the boxes under headings where there is nothing to be registered
- Ensure that you sign and date the notification
- Be aware that it is an offence to fail to register interests in accordance with the Act

### **Whose interests must be included?**

The Act provides that the interests which must be notified are those of a member or co-opted member of the authority, **or**

- those of a spouse or civil partner of the member or co-opted member
- those of a person with whom the member or co-opted member is living as husband/wife
- those of a person with whom the member or co-opted member is living as if they were civil partners

(in each case where the member or co-opted member is aware that the other person has the interest)

***There is no requirement for the notification to show which interests are those of the Councillor or co-opted member, but it is important to remember to include those that arise via your spouse or partner.***

### **When should the Monitoring Officer be notified of disclosable pecuniary interests?**

As a member or co-opted member you must, before the end of 28 days beginning with the day on which you became a member or co-opted member of the authority, notify the authority's Monitoring Officer of any disclosable pecuniary interests which you or your spouse or civil partner or equivalent have at the time when the notification is given.

On re-election or re-appointment as a member or co-opted member you should notify the Monitoring Officer of any disclosable pecuniary interests which you or your spouse or civil partner or equivalent have, and which you have not previously notified. You should do this before the end of 28 days beginning with the day on which you were re-elected or re-appointed.

Following any disclosure of an interest not on the council's register or the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure. (A pending notification is one where the Monitoring Officer has been notified of the interest but it has not yet been entered in the register).

### **Sensitive Information**

If you have an interest the nature of which is that you and the Monitoring Officer of Stratford-on-Avon District Council considers that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation, then details of that interest will be excluded from copies of the interests register which are available for inspection, as well as any published version of the register. Those versions may, however, state that you or your spouse or civil partner or equivalent have an interest, the details of which are withheld because of this provision.

Please contact the Monitoring Officer if you wish to discuss this aspect.

### **Section 1: Employment etc**

You must include "any employment, office, trade, profession or vocation carried on for profit or gain".

Please ensure that

- you include a short description of the activity concerned: for example, "Computer Operator" or "Accountant"
- you give the name of any employer, e.g. the company which pays your salary or wages
- where an office is held, the name of the person or body who made the appointment is given

Please note that

- the Monitoring Officer of Stratford-on-Avon District Council does not consider that receiving a basic or special responsibility allowance further to council duties to be a disclosable pecuniary interest
- there is no need to enter (as examples) "retired" or "retired doctor" – if there is nothing which applies to you or your spouse/partner under this section, please simply enter "None"

### **Section 2: Sponsorship**

You must include any payment or provision of any other financial benefit (other than from the Council of which you are a member or co-opted member) made or provided within the relevant period in respect of any expenses incurred by you in carrying out your duties as a member, or towards your election expenses. (The "relevant period" being the period of twelve months ending with the day when you make a notification). This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

*Please note the time period mentioned in the section "When should the Monitoring Officer be notified of disclosable pecuniary interests"*

### **Section 3: Contracts**

You must include details of any contract between you, or your spouse, civil partner or equivalent, or a body in which either of you have a beneficial interest, and the Council of which you are a member or co-opted member:

- under which goods or services are to be provided or works are to be executed; **and**
- which has not been fully discharged

(A body in which you or your spouse, civil partner or equivalent have a beneficial interest means a firm in which you/they are a partner, or a body corporate of which you/they are a director<sup>1</sup>, or in the securities of which you/they have a beneficial interest).

### **Section 4: Land**

You must include details of any land which is within the area of your Council in which you or your spouse, civil partner or equivalent have a beneficial interest.

"Land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for you or your spouse, civil partner or equivalent (alone or jointly with another) to occupy the land or to receive income.

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<sup>1</sup> "Director" includes a member of the committee of management of an industrial and provident society.

Please ensure that:

- you give the address or a brief description to identify the land
- if you live in the area of the Council of which you are a member or co-opted member, you include your home under this heading as owner, lessee or tenant

Please remember that

- this provision is likely to include the address where you live
- the requirement relates only to land in the area of the Council in respect of which you are making the notification

### **Section 5: Licences**

You must include details of any land which is within the area of your Council for which you or your spouse, civil partner or equivalent hold a licence (alone or jointly with others) to occupy for a month or longer.

Please ensure that you give the address or a brief description to identify the land.

### **Section 6: Corporate Tenancies**

You must include details of any tenancy where (to your knowledge)

- (a) the landlord is the Council of which you are a member or co-opted member; and
- (b) the tenant is a body in which you or your spouse, civil partner or equivalent have a beneficial interest.

(A body in which you or your spouse, civil partner or equivalent have a beneficial interest means a firm in which you/they are a partner, or a body corporate of which you/they are a director<sup>2</sup>, or in the securities of which you/they have a beneficial interest).

### **Section 7: Securities**

You must include details of any beneficial interest of you or your spouse, civil partner or equivalent in securities of a body where:

- (a) that body (to your knowledge) has a place of business or land in the area of the Council of which you are a member or co-opted member; **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 you or your spouse, civil partner or equivalent have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Please note that:

- "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
- You do not have to show the extent of your interest.

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<sup>2</sup> "Director" includes a member of the committee of management of an industrial and provident society.

## **Section 8: Non-Statutory Interests**

In this section you may include any other personal interests which you choose to notify. These are not disclosable pecuniary interests but the section has been included partly in response to queries from Councillors; and partly to reflect guidance from the Department for Communities and Local Government which suggests it to be good practice.

Examples of matters which you may choose to record in this section would be membership of another council, or of a school governing body or partnership organisation.

Please be aware that anything included here will also be available for inspection and online.

### **Other Points**

- If you are in doubt about the completion of this notification form, you may seek further guidance from the Council's Monitoring Officer
- The register of interests will, in accordance with the requirements of the Localism Act, be available for public inspection including via the website of Stratford-on-Avon District Council and the website of Tysoe Parish Council