HARLESTONE PARISH COUNCIL

CODE OF CONDUCT FOR MEMBERS

05.03.2025

Part 1 – General Provisions

1. Introduction and interpretation

1.1 This Code applies to all Members of the Council.

1.2 It is the responsibility of each Member to comply with the provisions of this Code, for which they will give a written undertaking.

1.3 In this Code –

“meeting” means any meeting of

(a) the Council;

(b) any of its committees, sub-committees, joint committees, joint sub-committees, or area committees; any panels or working groups.

“Member” (“M”) means elected and co-opted Members.

“relevant authority” has the meaning given to it in Section 27(6) of the Localism Act 2011 (including county council, district council, parish council, police and crime panel, fire and rescue authority).

“relevant person” means the Member or any other person referred to in Section 30(3)(b) of the Localism Act 2011. (i.e. their spouse or civil partner; a person with whom they are living as husband and wife, or a person with whom they are living as if they were civil partners).

2. Scope

2.1 A Member must comply with this Code whenever they act in their official capacity as a Member of the Council.

2.2 Where a Member acts as a representative of the Council -

(a) on another relevant authority, they must, when acting for that other authority, comply with that other authority’s code of conduct; or

(b) on any other body, they 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.

3. General obligations

3.1 A Member must treat others with respect.

3.2 A Member must not -

(a) bully any person;

(b) intimidate or attempt to intimidate any person who is or is likely to be –

(i) a complainant;

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings.

(c) do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the Council.

3.3 A Member must not –

(a) disclose information given to them in confidence by anyone, or information acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, except where –

(i) they have the consent of a person authorised to give it;

(ii) they are required by law to do so;

(iii) 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; or

(iv) the disclosure is –

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the Council; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

3.4 A Member must not conduct themselves in a manner which could reasonably be regarded as bringing their office of the Council into disrepute.

3.5 A Member –

(a) must not use or attempt to use their position as a Member improperly to confer on or secure for themselves or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of the Council –

(i) act in accordance with the Council's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986

4. "Disclosable Pecuniary Interests"

4.1 A Member will have a "disclosable pecuniary interest" in any business of the Council if it is of a description specified in the second column of the appended Schedule as issued by the Secretary of State and either –

(a) it is an interest of the Member, or

(b) it is an interest of –

(i) their spouse or civil partner;

(ii) a person with whom they are living as husband and wife, or

(iii) a person with whom they are living as if they were civil partners.

and they are aware that that other person has the interest.

5. "Other Disclosable Interests"

5.1 A Member will have an "other disclosable interest" in any business of the Council where –

(a) a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of the Member or their family, or a person with whom they have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward for which they have been elected, or

(b) it relates to, or is likely to affect, any of the interests listed in the appended Schedule in respect of a member of their family (other than a 'relevant person') or a person with whom they have a close association.

and that interest is not a disclosable pecuniary interest.

and a member of the public with knowledge of the relevant facts would reasonably regard the interest as so significant that it is likely to prejudice the Member's judgement of the public interest.

and the Member is aware that the other person has the interest.

6. "Non-disclosable Interests"

6.1 A Member will have a "non-disclosable interest" in any business of the Council where either it relates to –

(a) any body of which they are a member or in a position of general control or management and to which they are appointed or nominated by the Council; or

(b) any body –

(i) exercising functions of a public nature;

(ii) directed to charitable purposes; or

(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which they are a member or in a position of general control or management, or

(c) the interests of any person from whom they have received a gift or hospitality with an estimated value of at least £25.

and that interest is not a disclosable pecuniary interest or other disclosable interest.

6.2 An interest in this category need not be disclosed at meetings.

7. Registration of interests

7.1 Subject to paragraph 9 (sensitive interests), a Member must, within 28 days of –

(a) this Code being adopted by the Council; or

(b) their election or appointment to office (where that is later),

notify the Council's Monitoring Officer in writing of any disclosable pecuniary interests, other disclosable interests and/or non-disclosable interests at that time for entry into a register.

7.2 Subject to paragraph 9 (sensitive interests) a Member must, within 28 days of becoming aware of any new interest or change to any interest, notify the Council's Monitoring Officer in writing of that new interest or change.

8. Disclosable interest in matters considered at a meeting or by a single Member

8.1 Subject to paragraph 9 (sensitive interests) where the Member has, and is aware that they have, a disclosable interest in any business of the Council, and they attend a meeting at which the business is to be considered, or is being considered;

(a) the Member must disclose to the meeting the fact that they have a disclosable interest in that matter. If they have not already done so, they must notify the Council's Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure, and

(b) whether the interest is entered in the Council's Register of Members' Interests or not, they must not – unless they have obtained a dispensation from the Council's Monitoring Officer –

(i) participate, or participate further, in any discussion of the matter at the meeting - apart from making representations, giving evidence or answering questions, prior to the commencement of the debate on that matter, in accordance with other procedure rules in respect of an "other disclosable interest"; or

(ii) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting.

8.2 Non-disclosable interests do not need to be disclosed at meetings.

8.3 If a Member is empowered to discharge functions of the Council acting alone, and has and is aware that they have a disclosable interest in any matter dealt with, or being dealt with, by the Member in the course of discharging that function, they must not take any steps, or any further steps, in relation to the matter (except for the purposes of enabling the matter to be dealt with otherwise than by them).

9. Sensitive interests

9.1 Where a Member considers (and where the Council's Monitoring Officer agrees) that disclosure of the details of a registered interest could lead to harm or intimidation of the Member or a person connected with the Member –

(a) such details will be excluded from public versions of the register.

(b) such details will not need to be disclosed to a meeting, or when a Member is empowered to act alone, although the fact that the Member has a sensitive interest must be disclosed (in accordance with section 8).

APPENDIX

SCHEDULE OF DISCLOSABLE PECUNIARY INTERESTS

SPECIFIED BY THE SECRETARY OF STATE

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 Council) 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(a)

Contracts Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) 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 which is within the area of the Council.

Licenses Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.

Corporate tenancies Any tenancy where (to M's knowledge) –

(a) the landlord is the Council; 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 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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.