

# Brundall Parish Council



# Brundall Parish Council Code of Conduct

## 2007

# Part 1

## General Provisions

### 1. Introduction and Interpretation

- 1.1. This Code applies to all Members of Brundall Parish Council and incorporates the provisions of Statutory Instrument 2007 No 1159 - Local Government, England and Wales – The Local Authorities (Model Code of Conduct) Order 2007.
- 1.2. A Member should read this Code together with the general principles prescribed by the Secretary of State in the Statutory Instrument specified in paragraph 1.1. above and set out in Part 4 of this Code of Conduct
- 1.3. It is the individual Member's responsibility to comply with the provisions of this Code.
- 1.4. In this Code
  - (a) "meeting" means any meeting of Brundall Parish Council and all of its Committees and Sub-committees; and
  - (b) "Member" includes a co-opted Member and an appointed Member.

### 2. Scope

- 2.1. Subject to paragraphs 2.2. to 2.5. inclusive, a Member must comply with the Parish Council's Code of Conduct whenever he or she
  - (a) conducts the business of the Parish Council;
  - (b) conducts the business of the office to which he or she has been elected or appointed; or
  - (c) acts, claims to act or gives the impression that he or she is acting as a representative of Brundall Parish Council,and references to a Member's official capacity shall be construed accordingly.
- 2.2. Subject to paragraphs 2.3. and 2.4., this Code does not have effect in relation to a Member's conduct other than where it is his or her official capacity.
- 2.3. In addition to having effect in relation to conduct in a Member's official capacity, paragraphs 3.2(c), 5.1. and 6.1(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which the Member has been convicted.
- 2.4. Conduct to which this Code applies (whether that is conduct in a Member's official capacity or conduct mentioned in paragraph 3.1. includes a criminal offence

for which a Member is convicted (including an offence committed before that Member took office, but for which he or she is convicted after that date).

- 2.5. Where a Member acts as a representative of Brundall Parish Council
  - (a) on another relevant authority, he or she must, when acting for that other authority, comply with that other authority's code of conduct; or
  - (b) on any other body, he or she must, when acting for that other body, comply with Brundall Parish Council's Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

### 3. General Obligations – Respect for Others

- 3.1 A Member must treat others with respect.
- 3.2. A Member must not
  - (a) do anything which may cause Brundall Parish Council to breach any of the equality enactments (as defined in Section 33 of the Equality Act 2006);
  - (b) bully any person;
  - (c) 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,in relation to an allegation that a Member (including himself or herself) has failed to comply with Brundall Parish Council's Code of Conduct; or
  - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, Brundall Parish Council.

### 4. General Obligations – Information

- 4.1. A Member must not disclose information given to him or her in confidence by anyone, or information acquired which he or she believes, or ought reasonably to be aware, is of a confidential nature, except where
  - (a) he or she has the consent of a person authorised to give it;
  - (b) he or she is required by law to do so:

- (c) 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
  - (d) the disclosure is
    - (i) reasonable and in the public interest; and
    - (ii) made in good faith and in compliance with the reasonable requirements of Brundall Parish Council.
- 4.2. A Member must not prevent another person from gaining access to information to which that person is entitled by law.

## **5. General Obligations – Conduct**

- 5.1. A Member must not conduct himself or herself in a manner which could reasonably be regarded as bringing his or her office or Brundall Parish Council into disrepute.

## **6. General Obligations – Advantage**

- 6.1. A Member
- (a) must not use his or her position as a Member improperly to confer on or secure for himself or herself or any other person, an advantage or disadvantage; and
  - (b) must, when using or authorising the use by others of the resources of Brundall Parish Council
    - (i) act in accordance with Brundall Parish Council's reasonable requirements; and
    - (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.

## **7. General Obligations – Advice**

- 7.1. When reaching decisions on any matter a Member must have regard to any relevant advice provided to him or her by
- (a) Broadland District Council's Chief Finance Officer; or
  - (b) Broadland District Council's Monitoring Officer,
- where that officer is acting pursuant to his or her statutory duties.
- 7.2. A Member must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by Brundall Parish Council.

# Part 2

## Interests

### 8. Personal Interests

8.1. A Member has a personal interest in any business of Brundall Parish Council where either

- (a) it relates to or is likely to affect
  - (i) any body of which he or she is a member or is in such a position of general control or management and to which he or she is appointed or nominated by Brundall Parish Council;
  - (ii) any body
    - (aa) exercising functions of a public nature;
    - (bb) directed to charitable purposes; or
    - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),of which he or she is a member or is in a position of general control or management;
  - (iii) any employment or business carried on by him or her;
  - (iv) any person or body who employs or has appointed him or her;
  - (v) any person or body, other than a relevant authority, who has made payment to him or her in respect of his or her election or any expenses incurred by him or her in carrying out his or her duties;
  - (vi) any person or body who has a place of business or land in the parish of Brundall and in whom he or she has a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
  - (vii) any contract for goods, services or works made between Brundall Parish Council and him or her or a firm in which he or she is a partner, a company of which he or she is a remunerated director, or a person or body of the description specified in paragraph (vi) above;
  - (viii) the interests of any person from whom he or she has received a gift or hospitality with an estimated value of at least £25;
  - (ix) any land in the parish of Brundall in which he or she has a beneficial interest;
  - (x) any land where the landlord is Brundall Parish Council and he or she is, or a firm in which he or she is a partner, a company of which he or she is a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

(xi) any land in the parish of Brundall for which he or she has a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting his or her 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 parish of Brundall.

8.2. In paragraph 2.1(b), a relevant person is

- (a) a member of the Member's family or any person with whom he or she has a close association; or
- (b) 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;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in paragraph 8.1(a)(i) or (ii).

9.1. Subject to paragraphs 9.2. to 9.7. inclusive, where a Member has a personal interest in any business of Brundall Parish Council and that Member attends a meeting of Brundall Parish Council at which the business is considered, the Member must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

### 9. Disclosure of Personal Interests

9.1. Where a Member has a personal interest in any business of Brundall Parish Council which relates to or is likely to affect a person described in paragraph 8.1(a)(i) or 8.1(a)(ii)(aa), that Member need only disclose to the meeting the existence and nature of that interest when he or she addresses the meeting on that business.

9.3. Where a Member has a personal interest in any business of Brundall Parish Council of the type mentioned in paragraph 8.1(a)(viii), he or she need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

9.4. Paragraph 9.1. only applies when a Member is aware or ought reasonably to be aware of the existence of the personal interest.

- 9.5. Where a Member has a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in Brundall Parish Council's Register of Members' Interests, the Member must indicate to the meeting that he or she has a personal interest, but need not disclose the sensitive information to the meeting.
- 9.6. Subject to paragraph 12.1(b), where a Member has a personal interest in any business of Brundall Parish Council and has made an executive decision in relation to that business, he or she must ensure that any written statement of the decision records the existence and nature of that interest.
- 9.7. In paragraph 9.6. above, "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.

## 10. Prejudicial Interest Generally

- 10.1. Subject to paragraph 10.2., where a Member has a personal interest in any Business of Brundall Parish Council he or she also has a prejudicial interest in that business where the interest is one which a member of the public with knowledge or the relevant facts would reasonably regard as so significant that it is likely to prejudice his or her judgement of the public interest.
- 10.2. A Member does not have a prejudicial interest in any business of Brundall Parish Council where that business
- (a) does not affect his or her financial position or the financial position of a person or body described in paragraph 8.1.;
  - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to him or her or any person or body described in paragraph 8.1.;
  - (c) relates to the functions of Brundall Parish Council in respect of
    - (i) housing, where he or she is a tenant of Brundall Parish Council provided that those functions do not relate particularly to his or her tenancy or lease;
    - (ii) school meals or school transport and travelling expenses, where he or she is a parent or guardian of a child in full-time education, or is a parent governor of a school, unless it relates particularly to the school which the child attends;
    - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where he or she is in receipt of, or is entitled to the receipt of, such pay;
    - (iv) an allowance, payment or indemnity given to Members;
    - (v) any ceremonial honour given to Members; and
    - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

## 11. Prejudicial Interests Arising in Relation to Overview and Security Committees

- 11.1. A Member also has a prejudicial interest in any business before an overview and scrutiny committee of Brundall Parish Council (or of a sub-committee of such a committee) where
- (a) that business relates to a decision made (whether implemented or not) or action taken by Brundall Parish Council's executive or another of Brundall Parish Council's committees, sub-committees, joint committees or joint sub-committees: and
  - (b) at the time the decision was made or action was taken, he or she was a Member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph 11.1(a) above and was present when that decision was made or action was taken.

## 12. Effect of Prejudicial Interests on Participation

- 12.1. Subject to paragraph 12.2., where a Member has a prejudicial interest in any business of Brundall Parish Council
- (a) he or she must withdraw from the room or chamber where a meeting considering the business is being held
    - (i) in the case where paragraph 12.2. applies, immediately after making representations, answering questions or giving evidence;
    - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;
 unless he or she has obtained a dispensation from Broadland District Council's Standards Committee;
  - (b) he or she must not exercise executive functions in relation to that business: and
  - (c) he or she must not seek improperly to influence a decision about that business.
- 12.2. Where a Member has a prejudicial interest in any business of Brundall Parish Council, he or she may attend a meeting (including a meeting of the overview and scrutiny committee of Brundall Parish Council or of a sub-committee of such a committee) 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.

## Part 3

# Registration of Members' Interests

### 13. Registration of Members' Interests

13.1. Subject to paragraph 14.1., a Member must, within 28 days of

- (a) this Code being adopted by or applied by Brundall Parish Council; or
- (b) his or her election or appointment to office (where that is later),

Register in Brundall Parish Council's Register of Members' Interests (maintained under Section 81(1) of the Local Government Act 2000) details of his or her personal interests where they fall within a category mentioned in paragraph 8.1(a), by providing written notification to Broadland District Council's Monitoring Officer.

13.2. Subject to paragraph 14.1, a Member must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph 13.1., register details of the new personal interest or change by providing written notification to Broadland District Council's Monitoring Officer.

### 14. Sensitive Information

14.1. Where a Member considers that the information relating to any of his or her personal interests is sensitive information and Broadland District Council's Monitoring Officer agrees, he or she need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraphs 13.1. and 13.2.

14.2. A Member must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 14.1. is no longer sensitive information, notify Broadland District Council's Monitoring Officer asking that the information be included in Brundall parish Council's Register of Members' Interests.

14.3. In this Code. "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that the Member or a person who lives with the Member may be subjected to violence or intimidation.

# Part 4

## The General Principles

### 1. Selflessness

Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

### 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.

### Objectivity

Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

### 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.

### 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.

### Personal Judgement

Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

### Respect for Others

Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

### Duty to Uphold the Law

Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

### Stewardship

Members should do whatever they are able to do to ensure that their authorities use their resource prudently and in accordance with the law.

### 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.

### Addresses:

Monitoring Officer, Broadland District Council, Thorpe Lodge, 1 Yarmouth Road, Thorpe St. Andrew, NORWICH. NR7 0DU

Standards Board for England, 4<sup>th</sup> Floor, Griffin House, 40 Lower Street, Manchester M1 1BB