

---

# Trysull & Seisdon Parish Council Code of Conduct

---

Reviewed May 2021

---

# Trysull & Seisdon Parish Council – Councillors’ Code of Conduct

## CODE OF CONDUCT

### Introduction

This Code of Conduct ("the Code") was updated and adopted by Trysull & Seisdon Parish Council ("the Council") as required by Section 27 of the Localism Act, 2011 ("the Act") at a meeting of the Council held on 12th February 2020.

The Council has a statutory duty under the Act to promote and maintain high standards of conduct by members and co-opted members of the Council ("the members"). This means that the Council expects Members to follow this Code when they are conducting the work of the Council, representing the Council on any external organisation, and otherwise acting in their official capacity. The Code of Conduct does not apply to what Members do in their private and personal lives.<sup>1</sup>

### Part One - Standards of Conduct

As a member of the Council you must have regard to, and act in accordance with, the following standards of conduct:<sup>2</sup>

#### **1. Selflessness**

You should serve only in the public interest, and should never improperly confer an advantage or disadvantage on any person, organisation or group, or any other third party.<sup>3</sup>

#### **2. Honesty and Integrity**

You should not place yourself in situations where your honesty and integrity may be questioned; you should not behave improperly and should avoid the appearance of such behaviour.

#### **3. Objectivity**

You must make decisions based on the information before you, having had regard to any professional advice provided to you and in accordance with your view of the public interest. You should make decisions on merit, this includes when making appointments, awarding contracts, or recommending individuals for awards or other recognition.

<sup>1</sup>When engaging in political activities such as canvassing for re-election Members are not acting in their official capacity, and for the purposes of this Code of Conduct, such political activities are considered part of a Member’s private and personal life.

<sup>2</sup>And in accordance with any supplementary guidance or protocols agreed by the authority from time to time.

<sup>3</sup>This does not mean that Members are under any obligation to support or become involved in all requests for assistance from their constituents.

# Trysull & Seisdon Parish Council – Councillors’ Code of Conduct

## **4. Accountability**

You are accountable to the public for your decisions and actions and the manner in which you carry out your duties. You must co-operate fully and honestly with any scrutiny appropriate to your office. You should not undertake any action which would bring the Council, your position, or the position of Members generally, into disrepute.

## **5. Openness**

You must be as open as possible about your actions and those of the authority, and should be prepared to give reasons for those actions.

## **6. Leadership**

You must promote and maintain high standards of conduct by supporting these principles by leadership and by example, and should act in a way that secures or preserves the confidence of others. You must have due regard to the impartiality and integrity of the authority’s statutory officers and its other employees.<sup>4</sup>

## **Part Two- General Obligations**

## **7. Behaviour**

- (1) You must treat others with respect.
- (2) You must not:
  - a. do anything which may cause the Council to breach any of the equality enactments (as defined in s. 33 Equality Act 2006);
  - b. bully any person;
  - c. intimidate or attempt to intimidate any person who is or is likely to be, a complainant, a witness or involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with this 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 this Council.

<sup>4</sup>Members may express themselves robustly in representing their or their constituents’ views, although where a Member engages in a sustained or systematic challenge of an employee which is unfounded or in any other way unreasonable, such conduct would fall within the scope of this code.

# Trysull & Seisdon Parish Council – Councillors’ Code of Conduct

## **8. Confidentiality**

- (1) You must not:
  - a. disclose any information given to you in confidence by anyone, or information acquired by you, which you believe, or ought to reasonably be aware, is of a confidential nature, except where;
    - i. you have the consent of the person authorised to give it;
    - ii. you are required by law to give it or the disclosure is made to a third party for the purpose of obtaining professional advice providing that third party agrees not to disclose that information to any other person; or
    - iii. the disclosure is reasonable and in the public interest and made in good faith, 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.

## **9. Acting Improperly**

- (1) You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or Council into disrepute.
- (2)
  - a. you must not attempt to use your position, as a member, improperly, to confer on or secure for yourself or any other person an advantage or disadvantage; and
  - b. you must, when using or authorising the use by others the resources of the Council;
    - i. act in accordance with the Councils’ reasonable requirements;
    - ii. ensure the resources are not used improperly for political purposes (including party political purposes); and
- (3) You must have regard to any applicable Local Authority Code of Publicity given under Local Government Act 1986.

## **Part Three – Registration and Disclosure of Interest**

### **Registration of Interests**

10. Within 28 days of this Code being adopted by the Council or within 28 days of your election or co-option (whichever is the later), you must notify the Monitoring Officer of any 'disclosable pecuniary interests' which you have at that time.<sup>5</sup>

<sup>5</sup>The Monitoring Officer must enter these interests into the Register of Interests, which will be made available for public inspection and published on the website of South Staffordshire Council and of the Parish Council (if the latter maintains a website)

## Trysull & Seisdon Parish Council – Councillors’ Code of Conduct

11. Where you are re-elected or re-appointed, notification is only required of any new disclosable pecuniary interests within 28 days of your election or co-option.
12. You must keep your Register of Interests entry up to date by notifying the Monitoring Officer of any changes to your disclosable pecuniary interests within 28 days of the change occurring, or of you becoming aware of the change.
13. A pecuniary interest is a "disclosable pecuniary interest" defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations, 2012 described as:-

<u>Subject</u>	<u>Description</u>
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 to the member during the 12 month period ending on the latest date referred to in paragraph 7 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 between his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a body in which such a person is a partner in a firm, a director of an incorporated body or holds the beneficial interest in securities*) 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.
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	Any tenancy where (to the member’s knowledge)— (a) the landlord is the Council; and (b) the tenant is a body in which the member, or his/her spouse or civil partner/ the person with whom the member is living as if they were spouses/civil partners has a beneficial interest.
Securities	Any beneficial interest 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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

\*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.

## Trysull & Seisdon Parish Council – Councillors’ Code of Conduct

14. A pecuniary interest is a 'disclosable pecuniary interest' in relation to you if it is of a type described above, and either:
- (a) it is an interest of yourself, or
  - (b) it is an interest of:-
    - (i) your spouse or civil partner,
    - (ii) a person with whom you are living as husband and wife, or
    - (iii) a person with whom you are living as if they were civil partners, and that you are aware that that other person has the interest.
15. You are also required to notify the Parish Clerk of any gifts or hospitality with an estimated value of at least £50.<sup>6</sup> which you receive in your role as a Parish Councillor.<sup>7</sup> You must inform the Parish Clerk of any such gifts or hospitality within 28 days of receiving them so that the details can be entered into the Register of Members Gifts and Hospitality.<sup>8</sup>

### **Sensitive interests**

16. If the nature of an interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation, the interest must not be included in any published version of the Register of Interests, or be entered into any copy of the register that is made available for public inspection.<sup>9 10</sup>

<sup>6</sup>This financial limit will be maintained in line with the definition of a donation to be declared by election candidates during local authority elections in England and Wales (as set out in Schedule 2A of the Representation of the People Act 1983).

<sup>7</sup>This does not include civic gifts or hospitality received by the Chairman of the Council whilst acting in this capacity. Civic gifts are to be recorded in a separate register maintained by the Parish Clerk.

<sup>8</sup>The Parish Clerk must advise the Monitoring Officer that a member has registered receipt of a gift or hospitality, the Monitoring Officer will then enter the receipt of the gifts and/or hospitality in the Register of Gifts and Hospitality which will be made available for public inspection and published on the website of South Staffordshire Council and of the Parish Council (if the latter maintains a website)

<sup>9</sup>Instead the Register of Interests may state that the Member has an interest the detail of which are withheld under section 32(2) of the Localism Act 2011

<sup>10</sup>If the Member is required to disclose such an interest in a meeting, the Member need not disclose the interest, but merely the fact that the Member has a disclosable pecuniary interest in the matter concerned.

# Trysull & Seisdon Parish Council – Councillors’ Code of Conduct

## **Disclosure of disclosable pecuniary interests at meetings**

- 17.** The following provisions apply if you are present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority, and you are aware that you have a disclosable pecuniary interest in a matter to be considered, or being considered, at the meeting.
- 18.** If the interest is not entered in the authority’s Register of Interests, you must disclose the interest to the meeting (unless the interest is a sensitive interest).
- 19.** If the interest is not entered in the authority’s Register of Interests and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure.
- 20.** Where the interest does appear in the Register of Interests, you must bring the interest to the attention of the meeting (unless the interest is a sensitive interest).
- 21.** You may not:
  - (a) participate, or participate further, in any discussion of the matter at the meeting,
  - (b) participate in any vote, or further vote, taken on the matter at the meeting (unless the Member has requested and been granted a relevant dispensation by the Parish Council ), or
  - (c) remain in the room during the discussion or vote on the matter.
- 22.** Where you have a disclosable pecuniary interest in a matter to be considered at a meeting, you may attend the meeting but only for the purposes of making representations, answering questions or giving evidence relating to the matter, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. Once you have finished, or the meeting decides you have finished, you must leave the room and may not remain in the room during the discussion or vote on the matter.

# Trysull & Seisdon Parish Council – Councillors’ Code of Conduct

## **Disclosure of other interests at meetings**

**22.** Where you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and identify any other significant interests which you feel should be declared in the public interest, such interests may be declared to the meeting; this includes any interest which relates to or is likely to affect:

(a) 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;

(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 the member of the Council is a member or in a position of general control or management.

**23.** In such circumstances you must consider whether your continued participation in the matter relating to your interest would be reasonable in the circumstances, particularly if the interest may give rise to a perception of a conflict of interests in the matter under discussion.

## **Allegations of a Failure to Comply with Code of Conduct**

**24.** All complaints alleging a failure to comply with this Code will be considered in accordance with a procedure agreed by South Staffordshire Council.