

Bramerton Parish Council

CODE OF CONDUCT

INTRODUCTION

1. As required under section 27 of the Localism Act 2011, Bramerton 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.
2. This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

DEFINITIONS

3. For the purposes of this Code:
 - a. a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee and who is entitled to vote on any question that is to be decided at any meeting of that committee or sub-committee;
 - b. a 'meeting' is a meeting of the Council, any of its committees, joint committees or joint sub-committees;
 - c. unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council;
 - d. the 'Monitoring Officer' is the head of governance and monitoring at South Norfolk District Council.

OBLIGATIONS ON COUNCILLORS

4. When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she is under the following obligations. S/he shall:
 - a. always behave in such a way that a reasonable person would regard as respectful;
 - b. not act in a way which a reasonable person would regard as bullying, harassment or intimidation;
 - c. not seek to improperly confer an advantage or disadvantage on any person, including him/herself;
 - d. always use the resources of the Council in accordance with its requirements and not use them improperly for political purposes (including party political purposes);
 - e. not prevent any person from gaining access to information to which that person is entitled by law.
5. Furthermore, a councillor must not disclose confidential information except where:

- a. consent has been granted by a person authorised to give it;
 - b. required by law to do so;
 - c. the disclosure is made to a third party for the purpose of obtaining professional legal 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;
 - ii. made in good faith and in compliance with the reasonable requirements of the Council; and
 - iii. prior agreement has been given by the Monitoring Officer or an independent legal advisor.
6. If you are unsure about whether or not the code of conduct applies to a particular situation, you should consult the Monitoring Officer.

GIFTS AND HOSPITALITY

- 7. A member must always exercise caution in accepting any gifts or hospitality which may be (or which you reasonably believe to be) offered because s/he is a councillor.
- 8. Councillors must not accept significant gifts or hospitality from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage.
- 9. Gifts or hospitality of £50 or more must be registered with the Clerk within 28 days of its receipt, see Appendix B below.

REGISTRATION OF INTERESTS

- 10. 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), s/he shall register with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B.
- 11. Upon the re-election of a member or the re-appointment of a co-opted member, s/he shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B.
- 12. 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.
- 13. 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.

DECLARATION OF INTERESTS AT MEETINGS

- 14. 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. S/he only has to

declare what his/her interest is if it is not already entered in the member's register of interests or if s/he has not notified the Monitoring Officer of it.

15. 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.
16. Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall not vote on the matter. S/he may speak on the matter only if members of the public are also allowed to speak at the meeting.
17. 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 s/he speaks on the matter. If s/he holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, s/he shall declare the interest but not the nature of the interest.
18. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest in Appendix A), the member shall disclose the nature of the interest and not vote on the matter. S/he 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.

DISPENSATIONS

19. 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.

DECISION MAKING AND PREDETERMINATION

20. Where you have been involved in campaigning in your political role on an issue which does not affect your personal and/or professional circumstances, you should not be prohibited from participating in a decision as a member.
21. You must never place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
22. When making a decision in Council or committee consider the matter with an open mind and on the facts before the meeting, listen to the advice of all relevant parties, including advice from officers, and take all relevant information into consideration, remain objective and base your decision on merit. This is particularly relevant when considering planning issues.

Appendix A

Interests defined by regulations made under section 30(3) of the Localism Act 2011 and described in the table below.

Subject	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 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 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.	

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.