

# NEWINGTON PARISH COUNCIL

## CODE OF CONDUCT

**Note: The Code of Conduct is based on the Standards Regime effective from July 1st, 2012 adopted by all County & District Councils in Oxfordshire.**

It is essential that all councillors take the time to read and understand its provisions. The changes described in this document have arisen as a result of the Localism Act 2011.

### **GENERAL INFORMATION**

The Act places a general obligation on councils (including parish councils) to: *"promote and maintain high standards of conduct by councillors and co-opted members of the authority and "in particular" to "adopt a code dealing with the conduct that is expected of councillors of the authority when they are acting in that capacity".*

The code must be viewed as a whole and be consistent with the following principles:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

Once formally adopted at a full meeting the parish council is to publicise its adoption, revision or replacement of a Code of Conduct in such manner as it considers is likely to bring the adoption, revision or replacement of the code of conduct to the attention of persons who live in its area.

### **APPLYING THE CODE**

The first part of the code sets out the behaviours and characteristics required of councillors. It is important to appreciate that the code applies when a councillor or co-opted member is acting in that role, and that the councillor has responsibility for complying with its provisions. The second part of the code relates to registering and declaring interests. The Act provides for dealing with a failure to comply with the code, but makes it clear that a decision is not invalidated because "something that occurred during the process of making the decision involved a failure to comply with the code".

### **REGISTRATION OF INTERESTS**

The Act requires monitoring officers to *"establish and maintain a register of interests of councillors and co-opted members of the authority"*. In Oxfordshire, the monitoring officer for a parish council is the monitoring officer of the relevant district council (SODC). The district council will make the register available for public inspection and publish it on its website and supply parish councils *"with any data needed to comply"* with the website publication requirement. Councillors are to notify the monitoring officer of any *"disclosable pecuniary interests"* within 28 days of becoming a councillor. Upon re-election or reappointment the requirement relates only to any such interests not already included in the register.

### **DISCLOSURE OF INTERESTS & PARTICIPATION AT MEETINGS**

The Code requires that, at a meeting where a councillor has a disclosable pecuniary interest (of which they are aware) in any matter being considered, they disclose that interest to the meeting. It is essential that councillors do this clearly, in order that the disclosure may be recorded, which will protect them in the event of a subsequent allegation. The requirement to disclose such interests is applicable from July 2012, whether or not the interests have been notified to the monitoring officer. The parish council should include an appropriate item on agendas for all meetings to facilitate this. Although not explicitly required by the legislation or by the code, we recommend that in the interests of transparency and for the benefit of all in attendance at the meeting (including members of the public) the nature as well as the existence of the interest is disclosed. A councillor who has disclosed a pecuniary interest at a meeting must not participate (or participate further) in any discussion of the matter; and must not participate in any vote or further vote taken; and must withdraw from the room. However, this requirement does not apply in the event of a dispensation having been granted.



## **ADDITIONAL POINTS RELATING TO THE DISCLOSURE OF INTERESTS**

It is not automatically safe for councillors to take part/become involved in matters which do not appear to be covered by the disclosure provisions. As an example, if a councillor takes part and votes in favour of a planning application submitted by a relative or close friend, that could constitute maladministration. Under the provisions in the code *"you must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself"* and *"you must not place yourself in situations where your honesty and integrity may be questioned....."*. Another example is where an occasion arises where there is a conflict of interest because of membership of another council or organisation. It is therefore essential that the code is viewed as a whole, that regard is given to the perception of the public, and that advice is sought in advance of a meeting if a councillor is uncertain of their approach. .

## **CRIMINAL OFFENCES**

The provision of false or misleading information on registration, or participation in discussion or voting in a meeting on a matter in which the councillor has a disclosable pecuniary interest, are criminal offences. Such offences will carry a potential Scale 5 fine of £5,000 and/or disqualification for up to five years. Prosecution is at the instigation of the Director of Public Prosecutions.

## **DISPENSATIONS**

The Act allows for the granting of dispensations that allow participation, or both participation and voting. A dispensation is possible only if, after having had regard to all relevant circumstances, the authority:

- (a) considers that without the dispensation the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business
- (b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business
- (c) considers that granting the dispensation is in the interests of persons living in the authority's area
- (d) considers that it is otherwise appropriate to grant a dispensation.

A councillor should make an application for a dispensation in writing to the Clerk of the parish council; and, if granted, the dispensation must specify the period for which it has effect, which may not exceed four years.

## **COMPLAINTS**

The District Council must have in place arrangements for the handling of complaints which allege that a councillor of a parish council in the district has failed to comply with their council's code of conduct. From 1 July 2012 the SODC monitoring officer will receive complaints and decide what action to take on them in consultation with the independent person. Complaints that are considered appropriate will be referred to a panel of the council's audit and corporate governance committee.



## **APPENDIX**

The Code of conduct is adopted pursuant to the Parish Council's duty to promote and maintain high standards of conduct by members of the council. It is the responsibility of all councillors to comply with the provisions of this code.

### **SELFLESSNESS**

You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself.

### **INTEGRITY**

You must not place yourself in situations where your integrity may be questioned. You must treat others with respect and ensure that you are aware of and comply with all legal obligations that apply to you as a member of the council and act within the law.

### **OBJECTIVITY**

In carrying out public business you must make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

### **ACCOUNTABILITY**

You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate to your office.

### **OPENNESS**

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

### **HONESTY**

You must not place yourself in situations where your honesty may be questioned, must not behave improperly and must on all occasions avoid the appearance of such behaviour.

### **LEADERSHIP**

You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example in a way that secures or preserves public confidence.

### **GENERAL OBLIGATIONS**

- You must not bully any person.
- You must not do anything that compromises or is likely to compromise the impartiality of those who work for, or on behalf of the council.
- You must not disclose information given to you in confidence by anyone, or information acquired by you of which you are aware, or ought reasonably to be aware, is of a confidential nature except where:
  - (i) you have the consent of a person authorised to give it;
  - (ii) you are required by law to do so;
  - (iii) 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
  - (iv) the disclosure is:
    - a) reasonable and in the public interest;
    - b) made in good faith and in compliance with the reasonable requirements of the council.
- You must not improperly use knowledge gained solely as a result of your role as a member for your own personal advantage.
- When making decisions on behalf of or as part of the council you must have regard to any professional advice provided to you by the council's officers.
- When using or authorising the use by others of the resources of the council:
  - (i) you must act in accordance with the council's reasonable requirements;
  - (ii) you must make sure that you do not use resources improperly for political purposes and do not use them at all for party political purposes.