

Hever Parish Council Members' Code of Conduct

To be reviewed annually at AGM or in response to changes in legislation.

Background

The Localism Act 2011 replaced the statutory framework regulating the conduct of members of local authorities in England (established by the LGA Act 2000). The 2011 Act created new criminal offences in respect of a member's failure to register and disclose certain interests and his / her participation in discussions and voting at meeting on matters where he / she holds such interests).

The monitoring officer of the principal authority must establish and maintain a register of interests of the members of the parish councils in its area. Such interests include "disclosable pecuniary interests" and any pecuniary interests and non – pecuniary interests (App.A & Schedule A). The principal authority must publish the register of interests of the members of the parish councils on its website, as must the parish council, if it has one.

You are a member or co-opted member of Hever Parish Council and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership (The Nolan principles).

HPC have adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co – opted members whenever that 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 impressions of acting as a representative of the Council.

Definitions

For the purposes of this Code, a 'meeting' is a meeting of the Council and any of its committees.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

Member obligations

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations.

1. You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
2. You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
3. When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
4. You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
5. You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.
6. You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the box below.

7. You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
8. 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.
9. Regarding **social media** (including all forms of social media and social networking sites) –the Clerk is the nominated member of staff responsible for posting, monitoring and commenting on relevant websites / social media pages, relating to Council matters, either directly or indirectly. Cllrs. should not engage in social media posts in an official capacity with their private membership. Where required, the Clerk will generate a HPC identity for social media.

If a member of the public raises a query that requires further consideration by the full Council, it may be raised either at the open forum of the next meetings or as a full agenda items for consideration by a quorum of Cllrs. and any response can then be included in the minutes of the meeting.

Cllrs. who have any concerns regarding content placed on social media sites should report them to the Clerk.

10. You must always comply with relevant laws and have due regard to local codes and protocols in effect from time to time including “Guidance on the Disclosure of Confidential Information by Members”.
11. Members (and the Clerk) will complete the annually required Declarations form from the Insurance provider to confirm that not been subject to County Court Judgements, been declined insurance, been convicted, charged or cautioned in respect of any criminal offence, prosecuted for failure to comply with any Health and Safety legislation, been declared bankrupt.
12. **Councillors Allowances;** HPC have chosen to decline any basic allowance (to Chair and elected members).
13. Travelling and subsistence allowances are treated separately and are payable on cost incurred in connections with the performance of any HPC duty. Reasonable costs can be reimbursed on production of receipts to the Clerk.

Should a Cllr. incur costs relating to the care of dependents - reasonable reimbursements can be arranged, by prior arrangement with the Clerk.

Appendix A

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| Registering and declaring pecuniary and non-pecuniary interests |
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You must, within 28 days of taking office as a member or co-opted member, notify the monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State and set out in Schedule A appended to this Code, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a member or co-opted member, notify the monitoring officer of any disclosable pecuniary interest which the Council has decided should be included in the register and set out in Schedule B appended to this Code.

If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.¹

Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.

Unless a dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State (DPI) and set out in Schedule A. Additionally you must withdraw from the meeting room, including the public gallery, during the whole consideration of any item of business in which you have a pecuniary interest as defined by regulations made by the Secretary of State (DPI) as set out in Schedule A.

¹ A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

SCHEDULE A

Disclosable Pecuniary Interests, as prescribed by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012 No 1464) are as follows:

The descriptions on Disclosable Pecuniary Interests are subject to the following definitions:

"the Act" means the Localism Act 2011

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest

"director" includes a member of the committee of management of an industrial and provident society

"land" excludes an easement, servitude, interest or right in or over land which does not carry with it right for the relevant person (alone or jointly with another) to occupy the land or to receive income

"M" means a member of the relevant authority

"member" includes a co-opted member

"relevant authority" means the authority of which M is a member

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act (the Member’s spouse, civil partner, or somebody with whom they are living as a husband or wife, or as if they were civil partners)

“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.

| Interest | Description |
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| Employment, office, trade, profession or vacation | 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 relevant authority) 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. |
| Contracts | Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority: (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 relevant authority. |
| 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 M’s knowledge): (a) the landlord is the relevant authority; 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 relevant authority; 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. |

NOTE:

In accordance with section 34 of the Localism Act 2011, it is a criminal offence if, without reasonable excuse, you:

- (a) fail to notify the Monitoring Officer of a Disclosable Pecuniary Interest before the end of 28 days of becoming, or being re-elected or re-appointed, a Member or Co-opted Member of the Authority;
- (b) fail to notify the Monitoring Officer of a Disclosable Pecuniary Interest before the end of 28 days of becoming aware of it, where you are acting alone in the course of discharging a function of the Authority (including making a decision in relation to the matter) and the interest is not already registered or is not the subject of a pending notification to the Monitoring Officer;
- (c) fail to disclose a Disclosable Pecuniary Interest at a meeting, where such interest has not already been registered or notified to the Monitoring Officer;
- (d) fail to notify the Monitoring Officer of a Disclosable Pecuniary Interest before the end of 28 days of disclosing it at a meeting, where such interest has not already been registered or notified to the Monitoring Officer;
- (e) take part in discussions or votes at meetings that relate to the Disclosable Pecuniary Interest, unless a dispensation has been granted
- (f) knowingly or recklessly provide false or misleading information in any of the above disclosures or notifications.

SCHEDULE 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 £25 or more which the member has received by virtue of his or her office.

Further information;

- Hever Parish Council Clerk
- Gov.uk - Openness and transparency on personal interests A guide for councillors (September 2013)
- Sevenoaks District Council Monitoring Officer
- National Association of Local Councils LTN 80 November 2012 – Members conduct and the registration and disclosure of their interests.
- STATUTORY INSTRUMENTS 2012 No. 1464 LOCAL GOVERNMENT, ENGLAND The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- NALC Elections LTN 8 January 2015
- Legal Briefing L10 - 12