CODE OF CONDUCT FOR MEMBERS - Adopted by the Council on 17 December 2020

NOTE: This code is based on the Mid Sussex District Council - Model Part 5 April 2018

PART 1 - GENERAL PROVISIONS

1. Introduction and interpretation

(1) This Code applies to **you** as a member of Hurstpierpoint & Sayers Common Parish Council ('the authority'). It is your personal responsibility to comply with it. You should read this Code together with the general principles of public life on (2) which it is based, and which are set out at in Part 4 of the Code.

(2) In this Code:

'meeting' means any meeting of:

(a) the authority, the executive, any committees, sub-committee, joint committee, area or local committee;

(b) members in formal or informal meetings with other members and/or with officers relating to the business of the authority;

'member' includes a co-opted member and an appointed member.

(3) If you need guidance on any aspect of this Code you should seek it from the Monitoring Officer or Deputy Monitoring Officer.

2. Scope and offences

(1) You must comply with this Code whenever you act or appear to act in your official capacity, namely when you:

(a) conduct the business of the authority (including the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of the authority,

(2) Where you act as a representative of the authority:

(a) on another authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

(3) It is a criminal offence to fail, without reasonable excuse, to notify the authority's Monitoring Officer of a disclosable pecuniary interest (as defined in paragraph 4(1), to fail to disclose such an interest at a relevant meeting (where it is not registered or notified), to take part in discussions or votes at meetings, or to take a decision where you have a disclosable pecuniary interest. It is also an offence knowingly or recklessly to provide false or misleading information about pecuniary interests to the authority's Monitoring Officer.

3. General obligations

(1) You must treat others with respect.

(2) You must not do anything which may cause your authority to breach any of the equality duties (as set out in the Equality Act 2010);

(3) You must not bully any person;

(4) You must not intimidate or attempt to intimidate any person who is or is likely to be a complainant or a witness, or involved in any investigation or proceedings about a complaint that a member (including yourself) has failed to comply with his or her authority's code of conduct;

(5) You must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

(6) You must not:

(a) disclose information given to you in confidence by anyone, or
Information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, unless:

(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 for the purpose of obtaining professional advice and the recipient agrees not to disclose the information to any other person; or

(iv) the disclosure is in the public interest, made in good faith and in compliance with the reasonable requirements of the authority;

(b) prevent another person from gaining access to information to which that person is entitled by law.

(7) You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

(8) You must not use or 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

(9) You must, when using or authorising the use by others of the resources of your authority:

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes).

(10) You must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

(11) When reaching decisions on any matter you must have regard to any relevant advice provided to you by the authority's Chief Finance Officer or the authority's Monitoring Officer, where that officer is acting pursuant to his or her statutory duties.

(12) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority

PART 2 - INTERESTS

4. Disclosable pecuniary interests

(1) You have a disclosable pecuniary interest in any business of the authority where it relates to or is likely to affect, in relation to you, your spouse, civil partner or a person living with you as if spouse or civil partner ('the relevant person')

(i) any employment, office, trade, profession or vocation carried on for profit or gain;

(ii) any payment or provision of any other financial benefit (other than from the authority) made or provided within the preceding 12 months in respect of any expenses incurred by you in carrying out duties as a member, or towards your 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(a);

(iii) any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the authority under which goods or services are to be provided or works are to be executed and which has not been fully discharged.

(iv) any beneficial interest in land which is within the area of the authority;

(v) any licence (alone or jointly with others) to occupy land in the area of the authority for a month or longer;

(vi) any tenancy where (to your knowledge) the landlord is the authority and the tenant is a body in which the relevant person has a beneficial interest;

(vii) any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of the relevant authority; and

either:

(a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(b) 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.

(certain words and expressions used in this list are defined in Regulations)

(2) You have an interest which is a disclosable pecuniary interest as defined by section 30 of the Localism Act 2011 in any business of your authority where it relates to or is likely to affect anything listed in paragraph 4(1) but any interest which your spouse or partner may have is only treated as your interest if you are aware that your spouse or partner has the interest.

(3) Any such interest must be disclosed at the start of any meeting at which business relevant to the interest may be discussed or considered. When such an interest arises you must not, unless you have received a dispensation from the Monitoring Officer, take part in any discussion or vote in relation to such business and you must leave the room whilst the business is discussed.

5. Effect of disclosable pecuniary interests on participation

(1) Where you have a disclosable pecuniary interest in any matter in relation to the business of your authority

(a) you must not participate, or participate further, in any discussion of the matter at any meeting, or participate in any vote, or further vote, taken on the matter at the meeting and must withdraw from the room or chamber where the meeting considering the matter is being held.

(b) you must not exercise functions in relation to that matter, and

(c) you must not seek improperly to influence a decision about that matter.

6. Personal interests

(1) You have a personal interest in any business of your authority where

(a) it relates to or is likely to affect:

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body of which you are a member or in a position of general control or management:

(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);

(iii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50;

OR

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a person described in sub- paragraph (2) to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of your electoral division;

(2) In sub-paragraph (1)(b), a relevant person is:

(a) a member of your family or any person with whom you have a close association;

(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 sub-paragraph (1)(a)(i) or (ii).

7. Disclosure of personal interests

(1) Subject to sub-paragraphs (2) to (5), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent, but only where you are aware or ought reasonably to be aware of the interest.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 6(1)(a)(i) or 6(1)(a)(ii)(aa), you need only disclose that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 6(1)(a)(iii), you need not disclose that interest if it was registered more than three years before the date of the meeting.

(4) Where you have a personal interest but, by virtue of paragraph 13, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(5) Where you have a personal interest in any business of your authority and you have made an executive decision (as defined in regulations made under the Local Government Act 2000) in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

8. Prejudicial interests

(1) Subject to sub-paragraph (2), where you have a personal interest in any business of the authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) You do not have a prejudicial interest in any business of the authority where that business:

(a) does not affect your financial position or the financial position of a person or body described in paragraph 6;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 4; or

(c) relates to the functions of the authority in respect of:

(i) housing, where you are a tenant of the authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are 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 you are in receipt of, or are entitled to, such pay;

(iv) an allowance, payment or indemnity given to members;

(v) any ceremonial honour given to members; or

(vi) setting council tax or a precept.

(3) The determining of any approval, consent, licence, permission or registration as referred to in paragraph 8(2)(b) shall include the amendment, modification, or variation of any such approval, consent, licence, permission or registration or any condition, limitation or term to which it is subject or the revoking of any approval, consent, licence, permission or registration.

9. Prejudicial interests arising in relation to overview and scrutiny committees

You also have a prejudicial interest in any business before an overview and scrutiny committee of the authority (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 the authority's executive or another of the authority's committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

10. Effect of prejudicial interests on participation

(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of the authority:

(a) you must, unless you have obtained a dispensation from the Monitoring Officer, withdraw from the room or chamber where a meeting considering the business is being held:

(i) in a case where sub-paragraph (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;

(b) you must not exercise executive functions in relation to that business; and

(c) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority 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.

11. Dispensations

(1) The standards committee, or any sub-committee of the standards committee, or the monitoring officer may, on a written request made to the monitoring officer of the authority by a member, grant a dispensation relieving the member from either both of the restrictions in paragraph 5(1)(a) and 10(1)(a) (restrictions on participating in discussions and in voting), in cases described in the dispensation.

(2) A dispensation may be granted only if, after having had regard to all relevant circumstances, the standards committee, its sub-committee, or the monitoring officer –

(a) considers that without the dispensation the number of persons prohibited by paragraphs 5 and/or 10 from participating in any business would be so great a proportion of the body transacting of 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 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) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by paragraphs 5 and/or 10 from participating in any particular business to be transacted by the authority's executive, or

(e) considers that it is otherwise appropriate to grant a dispensation.

(3) Paragraph 5 and/or 10 do not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this paragraph.

PART 3

12. Registration of Members' Interests

(1) Subject to paragraph 13, you must, within 28 days of:

(a) this Code coming into force after being approved by the authority; or

(b) your election or appointment to office (where that is later), register in the authority's register of members' interests

(i) details of your personal interests where they fall within a category mentioned in paragraph 6(1)(a), by providing written notification to the authority's Monitoring Officer; and

(ii) disclosable pecuniary interests as defined in paragraph 4.

(2) You must, within 28 days of becoming aware of any new personal or pecuniary interest or a change to any such interest registered under paragraph (1), register details of that new interest or change by written notification to the authority's Monitoring Officer.

13. Sensitive information

(1) Where you consider that the information relating to any of your personal or pecuniary interests is sensitive information, and your authority's Monitoring Officer agrees, you need not include that information when registering that interest, or a change to that interest.

(2) You must, within 28 days of becoming aware of circumstances which mean that information excluded under paragraph (1) is no longer sensitive, notify the Monitoring Officer so that the information is included in your authority's register of members' interests.

(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 you or any person may be subjected to violence or intimidation.

PART 4 - THE GENERAL PRINCIPLES OF PUBLIC LIFE

Selflessness

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

Integrity

2. Members should not place themselves in situations where their integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

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

Accountability

4. Members should be accountable to the public for their actions and the way they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. 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.

Honesty

6. Members should not place themselves in situations where their honesty may be questioned, should not behave dishonestly and should on all occasions avoid the appearance of such behaviour.

Leadership

7. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.