

Members' Code of Conduct

To be signed by all Councillors annually at the Annual Parish Council Meeting in May

PURPOSE: Melbourn Parish Council (MPC) has adopted this Code of Conduct as required by Section 27 of the Localism Act 2011 to promote and maintain high standards of behaviour.

SCOPE

This Code applies to any member of Melbourn Parish Council whether elected or co-opted. An "officer" refers to an employee of a Council (Parish, District or County) who put the policies of the elected council into practice.

It applies whenever you are acting, claim to act or give the impression that you are acting in your capacity as a member of MPC, including:

- i. At formal MPC meetings
- ii. When acting as a representative of MPC
- iii. Taking any decision as a Councillor
- iv. Discharging your functions as a Councillor
- v. Corresponding with MPC other than in a private capacity

'Meeting' means any meeting organised by or on behalf of MPC, including:

- i. Council, committee or Working Party
- ii. Any briefing by Officers (of MPC, SCDC or CCC)
- iii. Any site visit to do with the business of MPC

The Code is based on the 7 principles which apply to the conduct of people in public life – the 'Nolan principles', and you should always act according to them.

The Nolan Principles

Selflessness – you should act in the public interest

Integrity – you should not put yourself under any obligations to others, allow them to act improperly to influence you or seek benefit for yourself, family, friends or close associates

Objectivity – you should act impartially, fairly and on merit

Accountability – you should be prepared to submit to public scrutiny necessary to ensure accountability

Openness – you should be open and transparent in your actions and decisions unless there are clear and lawful reasons for non-disclosure

Honesty – you should always be truthful

Leadership – as a councillor, you should promote, support and exhibit high standards of conduct and be willing to challenge poor behaviour

As a Member of Melbourn Parish Council, you are expected to:

- i. Conduct yourself according to the principles set out in **Section 1**.
- ii. Work together with your fellow Councillors as a team and promote the integrity and openness of MPC, as set out in **Section 2**.
- iii. Comply with statutory requirements relating to registration and disclosure of interests, as set out in **Section 3**.

Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and fine of up to £5,000 and/or disqualification from office for a period of up to 5 years.

If a member of the public who knows the relevant facts would reasonably think the personal interest is so significant that it is likely to prejudice the member's judgement of the public interest, then the Councillor should declare it and withdraw from the discussion. Ian Dewar CAPALC 2016

“If in doubt, get yourself out”

*Public Interest: Anything affecting the rights, health, or finances of the public at large.

I have read and will abide by this Code of Conduct

Name:

Signature:

Date:

SECTION 1. GENERAL CONDUCT

1. You must promote and support high standards of conduct, and do nothing which causes MPC to act unlawfully.
2. You must not do anything through your office or MPC to dishonour or discredit someone or something (“bring into disrepute”).
3. You must provide leadership by example.
4. You should encourage participation within your community.
5. You must treat others with respect and promote equality as set out in the MPC Equality and Equal Opportunity policies
6. You must not bully or threaten any person either as an individual or part of a group. You must also not allow others to bully or threaten on your behalf.
7. You must respect the confidentiality of information which you receive as a Member by:
 - i. Not disclosing confidential information to 3rd parties **unless** required to do so by law or where there is a clear and over-riding *public interest in doing so.
 - ii. Not obstructing 3rd parties’ legal right of access to information.
8. You must exercise your independent judgement, taking decisions for good and substantial reasons by:
 - i. Preparing for council meetings by doing all necessary reading and research. This should include listening to the advice of MPC’s Proper Officer/Responsible Financial Officer (the Clerk) and the Assistant Clerk, paying attention to public opinion and (if necessary) seeking the views of a range of interests.
 - ii. Entering Council meetings with an open mind ready to listen actively by asking questions for clarification and admitting if anything is not understood.
 - iii. Being prepared to state clearly and publically the reasons for each of your voting decisions.
9. You must ensure that the resources of MPC are not used to promote any political party or political activity. You must not use MPC resources for any private business.

SECTION 2. TEAM WORKING AND PROMOTION OF MPC’S INTEGRITY AND OPENNESS

All members of Melbourn Parish Council will:

1. Read and comply with the requirements of MPC’s Standing Orders and policies.

2. Be civil at all times, and maintain good working relationships with all members and officers, and any other group or individual working with MPC.
3. Listen to and respect the views of others even when they disagree.
4. Not engage in group actions that are divisive to the Council body as a whole. This includes forming factions and taking actions to promote these factions at the expense of the Council body.
5. Not tolerate unacceptable behavior (see Box below) in meetings or in written communications.
6. Accept collective responsibility for all decisions taken honourably and in the interests of the community. If a member of MPC believes a decision was taken dishonourably, then consult the MPC Whistle-blowing Policy to see what further action to take. (If a member feels strongly that they cannot support a decision which was taken honourably, then resignation is an option).
7. Not blame other Councillors if, in hindsight a mistake has been made, but use the process in the MPC Standing Orders to correct the mistake.
8. Be prepared to request that MPC make a public apology if, for any reason, the consequences of any Council decision have caused widespread anger, concern or stress to members of the public.
9. Start from the position of full openness in all MPC actions and information. Confidentiality of information is dealt with in Section 1.7 above
10. Communicate key issues and progress to the community on a regular and frequent basis as set out in MPC's Community Engagement Strategy.
11. Be willing to undertake regular training including refresher training. (See MPC Training & Development Policy)
12. Comply with best practice for the functioning of Parish Councils as set out by the National Association of Local Councils (NALC), and seek continuous improvement in MPC's systems and processes.

“Unacceptable Behaviour”

1. In meetings, unacceptable behaviour is covered in the Standing Orders.

In summary, if the Chair considers that a member has broken the provisions of Standing Order 33 (a), they tell the Council and invite a proposal to either:

- Ask the member to remain silent; or
- Ask the member leave the meeting.

As a last resort, the Chair may suspend the meeting.

2. In writing, a member who thinks there has been unacceptable behaviour, should ask the Chair to investigate whether the Code of Conduct has been broken.

SECTION 3. REGISTRATION AND DISCLOSURE OF INTERESTS

Registration

You must register (through the Clerk or Assistant Clerk) with the SCDC Monitoring Officer within 28 days of being elected or co-opted any interests listed in the Boxes A and B on pages 4 and 6. You must ensure that your Register of Interests is kept up to date and notify the Monitoring Officer (through the Clerk or Assistant Clerk) in writing within 28 days of becoming aware of any change in your interests.

If you have declared an interest with the Monitoring Officer, you are not obliged to declare that interest at each meeting. However, to avoid requests to the Clerk for clarification or under the Freedom of Information Act, it is best practice to make a declaration whenever it is relevant.

Gifts and Hospitality

You must, within 28 days of receipt, declare any gift, benefit or hospitality with a value in excess of £50 except:

- i. Any that you receive from family and friends that are not related to your position as a member of MPC. ***You should however question any such gift or hospitality offered from an unusual source;***
- ii. Facilities or hospitality provided to you by MPC; and
- iii. Gifts given to MPC which you accept formally on MPC's behalf and are not retained by you personally

The procedure to be followed is set out in the MPC Gifts and Hospitality Policy. The form must be submitted to the SCDC Monitoring Officer.

You must immediately report to the SCDC Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered as a criminal offence may have been committed.

Box A: Disclosable Pecuniary Interests

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows:

Interest	Prescribed 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 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: <ul style="list-style-type: none"> (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): <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (a) That body (to M's knowledge) has a place of business

Box A Disclosable Pecuniary Interests cont'd

(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

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

Additional considerations

Pensions If you receive a pension or gratuity from past employers, this should be disclosed, as it infers a level of contact with that company/companies greater than another person sitting at the table.

Loss If a decision may result in a loss (as opposed to a pecuniary gain), this should be declared, whether that loss is to you or one that you may cause to another person.

For this purpose:

'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 a 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 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;

'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

Disclosable Pecuniary Interests

You have a disclosable pecuniary interest if a description of it appears in Box A above **and** either:

- i. it is an interest of yours; or
- ii. you know that it is an interest of a “relevant person”, that is: your spouse or civil partner; a person with whom you are living as husband or wife; or a person with whom you are living as if you were civil partners.

When you have a disclosable pecuniary interest, you:

- i. Must make a verbal declaration of the existence and nature of any disclosable pecuniary interest at or before the consideration of that item of business or as soon as the interest becomes apparent.
- ii. Must not (unless you have obtained a dispensation from the SCDC Monitoring Officer, using the process specified by the MPC Standing Orders):
 - Participate (further) in any discussion of the matter; or
 - Remain in the room whilst the matter is debated or participate in any vote taken at the meeting.

If a member of the public who knows the relevant facts would reasonably think the personal interest is so significant that it is likely to prejudice the member’s judgement of the public interest, then the Councillor should declare it and withdraw from the discussion. In other words: Ian Dewar CAPALC 2016

“If in doubt, get yourself out”

Non-Statutory Disclosable Interests**Box B Scope of ‘interest’**

An interest which relates to or is likely to affect any body:

- (a) Exercising functions of a public nature; or
- (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 trades union) of which you are a member or in a position of control or management.

You have a ‘non-statutory disclosable interest in an item of business of MPC where:

- i. It relates to or is likely to affect any of the interests listed in Box A but in respect of a member of your family (other than a ‘relevant person’) or a person with whom you have a close association; or

- ii. A decision in relation to that business might be regarded as affecting the well-being or financial standing of you or someone with whom you have a close association to a greater extent than it would affect the majority of the inhabitants of the Parish of Melbourn; or
- iii. It relates or is likely to affect any of the interests in Box B and that interest is not a disclosable pecuniary interest.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a non-statutory disclosable interest in that item, you must make verbal declaration of the existence and nature of that interest at or before consideration of that item, or as soon as the interest becomes apparent.

Document Approval:

Chair to Melbourn Parish Council:



Date of Parish Council Meeting: 16 January 2017

Review Policy: Every 12 months