

THE NEW CODE OF CONDUCT

FOR OAKLEY PARISH COUNCIL (EFFECTIVE FROM 1 JULY 2012)

Part 1

General Provisions

Introduction and Interpretation

1. (1) This Code adopted under section 28 of the Localism Act 2011 applies to **you** when you act in the capacity as a member of Oakley Parish Council.
- (2) You should read this Code together with the “Nolan” principles set out in 28(1) of the Localism Act 2011 (these are attached as an annex to this Code)
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code -
 - “meeting” means any meeting of -
 - (a) the Council;
 - (b) the executive of the Council;
 - (c) any of the Council’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees;

“member” includes a co-opted member and an appointed member.

General Obligations

2. (1)
 - You must not -
 - (a) do anything which may cause the Council to breach any of the public sector equality duty under section 149 of the Equality Act 2010.
 - (b) not to behave towards others in a way which is violent, threatening, malicious or bullying.

(c) intimidate or attempt to intimidate any person who is or is likely to be -

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her Council's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

3. You must not -

(a) disclose information given you to in confidence by anyone, or information acquired by you which you believe, 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 advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is -

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the Council; or

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

4. You -

(a) 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

- (b) must, when using or authorising the use by others of the resources of the Council -
 - (i) act in accordance with the Council's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
5. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by -
- (a) the Council's chief finance officer; or
 - (b) the Council's monitoring officer,
- where that officer is acting pursuant to his or her statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

Part 2

Interests

Local Interests

6. (1) You have a local interest (which is an interest other than disclosable pecuniary interest) in any business of the Council where either -
- (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 the Council;
 - (ii) any body -
 - (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),

of which you are a member or in a position of general control or management.

- (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 relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected by the decision.

(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; or
- (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).

Disclosable Pecuniary Interests

7. You have a disclosable pecuniary interest for those subjects in the first column below as set out in the description in the second column.

<i>Subject:</i>	<i>Description:</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on by you for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from Bedford Borough Council) made or provided to you within 12 months ending with the day on which you notified the Council's Monitoring Officer of any disclosable pecuniary interests in respect of any expenses you incurred in carrying out your 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.)

Contracts	Any contract that Bedford Borough Council has with you or your partner ¹ (or a body ² in which you or your partner ¹ have a beneficial interest) provided you are aware of the interest of your partner and— (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 ³	Any beneficial interest in land which is within Bedford Borough.
Licences	Any licence (alone or jointly with others) to occupy land ² within Bedford Borough for a month or longer.
Corporate tenancies	Any tenancy where to your knowledge— (a) the landlord is Bedford Borough Council; and (b) the tenant is a body in which you or your partner ¹ have a beneficial interest.
Securities ⁴	Any beneficial interest in securities of a body where— (a) that body (to your knowledge) has a place of business or land within Bedford Borough 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.

¹ your partner for this purpose includes —

- (i) any spouse or civil partner you might have,
- (ii) any person with whom you might be living as husband and wife, or
- (iii) any person with whom you might be living with as if you and the person are civil partners.

² “Body” means a firm in which you are a partner or a body corporate of which you are a director (which includes a member of the committee of management of an industrial and provident society), or in the securities of which you have a beneficial interest.

³ “Land” includes an easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.

⁴ “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.

Disclosure of Local and / or Disclosable Pecuniary Interests

- 8 (1) Subject to sub-paragraphs (2) to (5), where you have a local and / or disclosable pecuniary interest in any business of the Council and you attend a meeting of the Council 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.
- (2) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the local and / or disclosable pecuniary interest.
- (3) Where you have a local and / or disclosable pecuniary interest but, by virtue of paragraph 12, sensitive information relating to it is not within copies of the register that are made available for inspection, and any published version of the register, you must indicate to the meeting that you have a local and / or disclosable pecuniary interest, but need not disclose the sensitive information to the meeting.
Copies made
- (4) Subject to paragraph 13(2), where you have a local and / or disclosable pecuniary interest in any business of the Council and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (5) In this paragraph, “executive decision” is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Executive Members at Overview and Scrutiny Meetings

9. If you have not been appointed as a member of an Overview and Scrutiny Committee you may attend meetings of such Committees to observe their proceedings but where any such committee (or any Sub-Committee of such a Committee) is conducting business which
- (a) Relates to a decision made (whether implemented or not) or action taken by the Council’s executive or another of the Council’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 concerned and you were present when that decision was made or action was taken.

You may only attend the meeting for the purpose of making representation, answering questions and/or giving evidence about the matter concerned.

Effect of Disclosable Pecuniary Interests on Participation

10. (1) Where you have a disclosable pecuniary interest in any business of the Council -
 - (a) you must 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;unless you have obtained a dispensation from the Council's standards committee or the Council's monitoring officer;
 - (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 disclosable pecuniary interest in any business of the Council, you may attend a meeting (including a meeting of the overview and scrutiny committee of the Council 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, whether under a statutory right or otherwise.

Part 3

Registration of Members' Interests

11. (1) Subject to paragraph 13, you must, within 28 days of -
 - (2) (a) this Code being adopted by the Council; or
 - (b) your election or appointment to office (where that is later),

register in the Council's register of members' interests (maintained under section 29(1) of the Localism Act 2011) details of your local interests and your disclosable pecuniary interests by providing written notification to the Council's Monitoring Officer.

- (3) Subject to paragraph 13, you must, within 28 days of becoming aware of any new local interests and any new disclosable pecuniary interests or change to either any local interest or any disclosable pecuniary interest registered under paragraph (2), register details of the new interest or change by providing written notification to the Council's monitoring officer.

Sensitive Interests (Section 32 Localism Act 2011)

12. (1) You have a sensitive interest (under section 32(1) Localism Act 2011) whether or not you have a local interest or a disclosable pecuniary interest and the nature of your interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you or a person connected with you being subjected to violence or intimidation.
- (2) If you have any sensitive interest entered in the register of interests held by the Monitoring Officer, copies of the register that are made available for inspection, and any published version of the register, must not include details of your sensitive interest (but may state that you have an interest the details of which are withheld under section 32(2) Localism Act 2011.
- (3) If you have any sensitive interest entered in the register of interests held by the Monitoring Officer, you are not required to disclose the interest but merely the fact that you have a local interest or a disclosable pecuniary interest in the matter concerned.

THE NOLAN PRINCIPLES OF PUBLIC LIFE

Selflessness

1. Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

2. Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity

3. In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

4. Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

5. Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

7. Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

8. Holders of public office should promote and support these principles by leadership and example.

