

**OVERSEAL PARISH COUNCIL
CODE OF CONDUCT
2012**



Adopted by the Council 1 November 2012

Introduction

Pursuant to section 27 of the Localism Act 2011, Overseal Parish Council ('the Council') has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they 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 impression of acting as a representative of the Council.

This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

Definitions

For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-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. He/she shall behave in such a way that a reasonable person would regard as respectful.
2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
3. He/she shall not seek to improperly confer an advantage or disadvantage on any person.
4. He/she shall use the resources of the Council in accordance with its requirements.
5. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.

Registration of interests

Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register all interests which fall within the categories set out in Appendices A and B.

Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register any interests in Appendices A and B.

A member shall register any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.

A member need only declare on the public register of interests the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

Declaration of interests

Where a matter arises at a meeting which relates to an interest in Appendix A the member shall not participate in a discussion or vote on the matter. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it.

Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.

Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall withdraw from the meeting. He/she may speak on the matter before withdrawing only if members of the public are also allowed to speak at the meeting.

A member only has to declare his/her interest in Appendix B if it is not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter before withdrawing. If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.

Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate, the member shall disclose the nature of the interest and withdraw from the meeting. He/she may speak on the matter before withdrawing only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

Dispensations

On a written request made to the Council's proper officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he/she has an interest in Appendices A and B if the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.

Appendix A

Interests described in the table below.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her 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 made between the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the Council (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 held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partner which is within the area of the Council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners to occupy land in the area of the Council for a month or longer.
Corporate tenancies	Any tenancy where (to the member's knowledge)— (a) the landlord is the Council; and (b) the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if

Corporate ten-	<p>Any tenancy where (to the member's knowledge)—</p> <p>(a) the landlord is the Council; and</p> <p>(b) the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners in securities* of a body where—</p> <p>(a) that body (to the member's knowledge) has a place of business or land in the area of the Council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that</p> <p>(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 member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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

**'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.

Appendix B

An interest which relates to or is likely to affect:

- 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;
- any body—
- exercising functions of a public nature;
- directed to charitable purposes; or
- 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;
- any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.

Appendix 2

PROCEDURE FOR CONSIDERING COMPLAINTS THAT MEMBERS HAVE BREACHED THE CODE OF CONDUCT

1. Monitoring Officer (MO) acknowledges receipt of the complaint within 5 working days of receipt.
2. MO informs the subject member of
 - (a) the complaint, giving a summary of it and the name of the complainant
 - (b) his right to consult one of the Independent Persons (IP) appointed by the Council, through the MO.
3. MO, in consultation with an IP (other than one consulted by the subject member under para 2 (b)), decides, within 20 working days of receipt of the complaint, that;
 - (a) The complaint does not come within the remit of the Code of Conduct.
 - (b) The complaint is not sufficiently serious to warrant an investigation
 - (c) That it is not in the public interest to investigate the complaint.
 - (d) He should seek to resolve the complaint without the need for an investigation (e.g. by an apology or training by the subject member).
 - (e) The Complaint should not be investigated because it is vexatious, malicious or obsessive.
 - (f) The Complaint should not be investigated because it is broadly similar to a complaint against the same member about the same alleged incident.
 - (g) *The Complaint should not be investigated because there is a clear ulterior/political motive for it or it is just a tit for tat complaint*
 - (h) An investigation should take place
4. Before coming to his/her decision under para 3 the MO may request further information and/or clarification from the complainant and/or the subject member and the time period shall be extended accordingly.
5. If the MO decides that the complaint should be investigated, or his/her attempts to resolve the complaint without an investigation do not succeed, then he will carry out an investigation or appoint an investigator to carry out an investigation on his behalf.

6. The investigator appointed under paragraph 5 by the MO may be;
 - (a) A senior officer of the Council
 - (b) A senior officer of another Council
 - (c) An external investigator with relevant experience.
7. A report into an investigation shall include the investigator's findings on whether the Code has been breached.
8. Before finalising his/her report the Investigator shall send a copy of it to both the complainant and subject member and give them at least 5 working days to comment on it.
9. If the investigator's final report finds there has not been a breach of the Code the MO can, in consultation with the IP, decide to;
 - (a) Take no action
 - (b) Refer the report to the Standards Committee
10. If the investigator's report finds there has been a breach of the Code then the MO must refer the matter to the full Standards Committee
11. When the matter has been referred to the Standards Committee by the MO, it will;
 - (a) Allow the investigator to present his report and call witnesses, including the complainant
 - (b) Allow the subject member to make representations and call witnesses
 - (c) Decide if the subject member has breached the Code of Conduct
 - (d) Decide what sanction should be imposed if they decide the Code has been breached.
12. The sanctions the Standards Committee can impose if they find a breach of the Code are;
 - (a) Censuring the member
 - (b) Reporting its findings to Council for information;
 - (c) Recommending to the member's Group Leader (or in the case of ungrouped members, recommending to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
 - (d) Recommending to Council that the member be replaced as Executive Leader of the authority;
 - (e) Recommending to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
 - (f) Recommending the Monitoring Officer to arrange training for the member;

- (g) Recommending to Council that the member be removed from all outside appointments to which he/she has been appointed or nominated by the authority

[In respect of Parish Councils all of these will be recommendations].

13. In reaching a decision as to whether there has been a breach of the Code and if so what sanction should be imposed the Standards Committee will consult and take into account the views of the IP who will attend such hearings.
14. Following any final decision by the MO or the Standards Committee at whatever stage the MO shall inform the complainant and the subject member of the decision and the reasons for it within 10 working days.
15. Wherever there has been a decision that the subject member has breached the Code of Conduct that decision and the reasons for it shall be put on the Council's website in a prominent position
16. Wherever there is a decision that the subject member has not breached the Code of Conduct that decision shall be put on the Council's website, in a prominent position if the subject member wishes it to be.
17. Any decision of the MO or Standards Committee shall be final and binding
18. The MO will every 6 (3) months take a report to the Standards Committee giving;
 - (a) The number of complaints received and brief details
 - (b) How they are progressing
 - (c) What decisions have been made
 - (d) What action has, where appropriate, been taken
19. The MO has delegated power, in consultation with the IP and the Chair of the Standards Committee, to approve a departure from these arrangements when he/she considers it is expedient to do so to secure the effective and fair consideration of any matter.
20. In all cases where the MO is unable to perform his role his/her deputy will do

—————End—————