

## **Carbrooke Parish Council Code of Conduct**

### **Overview**

All elected, co-opted and independent members of local councils, are required to abide by their own, formally adopted, Code of Conduct. In accordance with section 27 of the Localism Act 2011, Carbrooke Parish 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 seven Nolan principles:-

1. Selflessness - 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.
2. Integrity - 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.
3. Objectivity - In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards or benefits, holders of public office should make choices on merit.
4. Accountability - 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.
5. Openness - Holders of public office should be as open as possible about 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.
6. Honesty - 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.
7. Leadership - Holders of public office should promote and support these principles by leadership and by example, and should act in a way that secures or preserves public confidence.

### **Councillors' obligations**

As a Member of Carbrooke Parish Council, your conduct will in particular address the statutory principles of the Code of Conduct by:

- a. Championing the needs of residents and putting their interests first.

b. Dealing with representations or enquiries from residents fairly, appropriately and impartially.

c. Not allowing other pressures, including the financial interests of yourself or others connected to you, to deter you from pursuing the interests of residents in a proper manner.

d. Exercising independent judgement and not compromising your position by placing yourself under obligations to outside individuals or organisations who might seek to influence the way you perform your duties as a member/co-opted member of the Parish Council.

e. Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.

f. Being accountable for your decisions and co-operating when scrutinised internally and externally, including by local residents.

g. Contributing to making the Parish Council's decision-making processes in as open and transparent a manner as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding you and other members to account, but restricting access to information when the wider public interest or the law requires it.

h. Behaving in accordance with all your legal obligations, alongside any requirements contained within the Parish Council's policies, protocols and procedures.

i. Valuing your colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between you that is essential to good local government.

j. Always treating people with respect, including the organisations and public you engage with and those you work alongside.

k. Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within the Parish Council.

### **Registration of interests**

Following election, or co-option, a councillor signs a Declaration of Acceptance of Office and agrees to sign up to the Council's Code of Conduct. This includes the legal requirement to complete the register of pecuniary interests (Disclosable Pecuniary Interests DPI) as provided by the District Council.

A councillor must complete that register within 28 days of becoming a councillor and he/she has a duty to maintain that register.

The clerk keeps a copy of the forms and can upload this onto the Parish Council's website, but must give a copy to the Monitoring Officer of the District Council for uploading on their website.

A councillor shall register with the Monitoring Officer any change to interests or new interests within 28 days of becoming aware of it.

A member need only declare 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.

### **Disclosable Personal Interests**

A 'disclosable pecuniary interest' is an interest of either the member or co-opted member or the member's or co-opted member's spouse or civil partner. There are national rules relating to disclosable pecuniary interests as laid down in Chapter 7 of the Localism Act 2011 [www.legislation.gov.uk](http://www.legislation.gov.uk). It is a criminal offence to break those rules.

It is not necessary for a member to disclose an interest at a meeting if that interest is on his/her interests form, but it is good practice to do so.

It is also important for the member to disclose an interest, which might not be on their interests form, but which may be seen to affect their decision.

A member should also disclose an unregistered interest which should be on their interest forms.

### **Other interests in matters considered at meetings**

Where a member may have an interest which is not necessarily a DPI, but might, for example be, where they know the applicant of a planning application very well, then he/she still has a duty to declare that interest and request a dispensation.

### **Declaration of interests at meetings**

Where a matter arises at a meeting which relates to an interest the councillor 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 which is a sensitive interest, the councillor 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 councillor 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, the councillor shall not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting.

Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate, the councillor shall disclose the nature of the interest and not vote on the matter.

## **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, 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 (see the Councils Guide to Dispensations).

## **Procedure for Dispensation requests**

Carbrooke Parish Council has an agenda item for every meeting 'To receive declarations of interest from members and to consider requests for dispensations.' The right to grant a dispensation is given by the Parish Council.

The request for the dispensation should be made in writing to the clerk at least the day before the meeting. It is considered by the Council at the agenda item 'To receive declarations of interest from members and to consider requests for dispensations.'

If a member realises during the course of the meeting that they have an interest in an item (whether on their interest form or not) then they should then declare this and request a dispensation.

Note that members will not need a dispensation to take part in the business of setting the council tax or precept.

This Code of Conduct was adopted by Carbrooke Parish Council in April 2020.

It will be reviewed in April 2022.