

## **BLOXHAM PARISH COUNCIL CODE OF CONDUCT**

### **With Proposed Amendments**

#### **CODE OF CONDUCT**

1. This code of conduct is adopted pursuant to the council's duty to promote and maintain high standards of conduct by members and co-opted members<sup>1</sup> of the council.
2. This code applies to you as a member or co-opted member of this council when you act in that role and it is your responsibility to comply with the provisions of this code.

#### **Selflessness**

3. You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself.

#### **Objectivity**

4. In carrying out public business you must make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

#### **Accountability**

5. You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate to your office.

#### **Openness**

6. You must be as open as possible about your actions and those of your council, and must be prepared to give reasons for those actions.

#### **Honesty and integrity**

7. You must not place yourself in situations where your honesty and integrity may be questioned, must not behave improperly and must on all occasions avoid the appearance of such behaviour.

#### **Leadership**

8. You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example in a way that secures or preserves public confidence.

---

<sup>1</sup> A "co-opted member" for the purpose of this code is, as defined in the Localism Act section 27 (4) "a person who is not a member of the council but who

a) is a member of any committee or sub-committee of the council, or

b) is 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".

## **General Obligations**

9. You must treat others with respect and ensure that you are aware of and comply with all legal obligations that apply to you as a member or co-opted member of the council and act within the law;
10. You must not bully any person.
11. You must not do anything that compromises or is likely to compromise the impartiality of those who work for, or on behalf of the council.
12. You must not disclose information given to you in confidence by anyone, or information acquired by you of which you are aware, 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 legal advice provided that the third party agrees not to disclose the information to any other person, or
  - (iv) the disclosure is:
    - a) reasonable and in the public interest;
    - b) made in good faith and in compliance with the reasonable requirements of the council.
13. You must not improperly use knowledge gained solely as a result of your role as a member for your own personal advantage.
14. When making decisions on behalf of or as part of the council you must have regard to any professional advice provided to you by the council's officers.
15. When using or authorising the use by others of the resources of the council:
  - (i) you must act in accordance with the council's reasonable requirements;
  - (ii) you must make sure that you do not use resources improperly for political purposes and do not use them at all for party political purposes.

## **Registering and declaring interests**

16. You must, within 28 days of taking office as a member or co-opted member, notify the council's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living as a husband or wife, or as if you were civil partners.

17. You must disclose the interest at any meeting of the council at which you are present, where you have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'<sup>2</sup>.
18. Following any disclosure of an interest not on the council's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.
19. Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. You must withdraw from the room or chamber when the meeting discusses and votes on the matter.

### Non-Pecuniary interests<sup>3</sup>

20. If you have a private or non-pecuniary interest in a matter arising at a meeting of the parish council or a committee thereof you should disclose it unless it is insignificant or one which you share with other members of the public generally.
21. Where you have declared such a private or personal interest you should decide whether it is clear and substantial. If it is not you may continue to take part in the discussion of the matter and may vote on it. If in your judgment the interest in question is clear and substantial you should neither take part in the discussion nor vote on it.
22. In deciding whether such an interest is clear and substantial you should ask yourself whether members of the public, knowing the facts of the situation would reasonably think that you might be influenced by it. If you think so then you should regard the interest as clear and substantial.<sup>4</sup>
23. If, having considered the matter you are in doubt whether the interest is clear and substantial, you should seek advice from the Chair or Vice-Chair or the Clerk to the Council.<sup>5</sup>

[I have inserted the provenance of these provisions for the information of councillors. They are, furthermore, as I noted in my memorandum to the Parish Council, fully in

---

<sup>2</sup> A "sensitive interest" is described in section 32(2) of the Localism Act 2011 as an interest of a member or co-opted member of a Council, whether or not a pecuniary interest and where the nature of the interest is such that the member or co-opted member, and the council's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

<sup>3</sup> Note that section 28(2) of the Localism Act 2011 provides that, a local authority and thus a parish council may include such provisions as it considers desirable regarding the disclosure of non-pecuniary interests.

<sup>4</sup> These paragraphs, 20-22 are taken, with slight adaptations, from 10 and 11 of the SDC Model Code 92018 version.

<sup>5</sup> New, added for the sake of prudence.

accord with the general law applicable to local authorities. With respect to paragraph 22 the obvious consideration is the need to avoid actual or apparent bias. The issue of bias is helpfully considered in CDC's Document, BIAS IN DECISION MAKING – HOW TO RECOGNISE AND AVOID IT, February 2016. It may be thought helpful to attach it as an Appendix to the BPC Code of Conduct.]