



Loddon Parish Council

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Loddon Parish Council Members' Code of Conduct

Introduction

A councillor is required to sign a declaration of acceptance of acceptance prior to the start of his first meeting (Local Government Act 1972). That declaration also acknowledges that the councillor will sign up to the Code of Conduct. The Local Government Act 2000 first brought out the need to complete an interest form and a Code of Conduct and this was regulated by the Standards Board for England. This Act has now been overtaken by the Localism Act 2011, which also saw the demise of the Standards Board to be replaced by local scrutiny through the District Council. It is a criminal offence to breach the Code of Conduct and to fail to declare interests.

About the Code

Local Authorities are required to adopt a Code of Conduct which sets out rules governing the behaviour of their members and satisfies the requirements of the Localism Act 2011. All elected and co-opted members are required to abide by their own, formally adopted Code. The Code of Conduct seeks to ensure that they observe the highest standards of conduct in their civic role. The Code is intended to be consistent with the seven 'Nolan Principles':

You are a member or co-opted member of Loddon Parish Council and hence you shall have regard to the **Seven General Principles of Conduct**:

- **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.
- **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.
- **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.
- **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.
- **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.
- **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.
- **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.

Accordingly, when acting in your capacity as a member or co-opted member:

- You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
- You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
- You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
- You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.
- You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in paragraph 3 below.
- You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 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.

Completing a Members Interests Form

- An interest's form must be completed within 28 days of the member holding office. This includes details relating to property and land in the district and work and business. These interests are known as Disclosable Pecuniary Interests (DPI). The form should also include interests relating to club membership and other local interests. The form, once signed, is given to the Clerk who then forwards a copy to South Norfolk Council and it will be displayed on their website.
- Members should then keep that interest form up to date. There is no need for a member to declare a DPI at a meeting provided it is on the Interests Form, however best practice suggests it is good to declare this interest at the start of the meeting or at a time when it might come up in discussion.
- Members are also required to declare interests which may not be on their Interests Forms. For example, if a planning application is under consideration and a member knows the applicant very well, then the member should declare that interest. However, that member may apply for a dispensation to talk and even vote on an item, provided the member has requested that dispensation in advance of the meeting and to the Clerk.
- There is an item at the start of the meeting for disclosure of all interests and requests for dispensations. The Council as a Corporate Body considers any such requests.

Registering and declaring pecuniary and non-pecuniary interests

- You must, within 28 days of taking office as a member or co-opted member, notify your authority'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 with as a husband or wife, or as if you were civil partners.

- In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.
- If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a *sensitive interest*.
- Following any disclosure of an interest not on the authority'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.
- 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. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your authority.
- A *sensitive interest* is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority'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.

Pecuniary interests in matters considered at meetings

Section 31 of the Localism Act 2011 sets out what a member must do if he or she has (and is aware that he or she has) a DPI in a matter which is to be considered or is being considered at a meeting at which the member is present. Section 31 applies to all councillors and to the very few co-opted members of committees who are not councillors but who are allowed (by law) to vote on certain committee decisions.

A DPI 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.

In consideration of the Nolan Principles outlined above, a member should also disclose an interest (although not a DPI) where a member of the public might consider that that member could be influenced in any decision they may make.

Granting a dispensation

So, in what circumstances may a dispensation be granted to a member to remove from that member the prohibition on taking part in a discussion and or a vote on a matter in which he or she has a disclosable pecuniary interest?

Section 33 says that a relevant authority (which, for our purposes, means the parish council) may grant a dispensation relieving the member from either or both of the restrictions in section 31(4) in cases described in the dispensation. But, it may only do so in response to a written request made to the clerk by the member concerned.

In the case of a parish council, it may grant a dispensation under section 33 only if, after having had regard to all relevant circumstances, it considers that:

- without the dispensation, the number of members or co-opted members prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or

- without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; or
- granting the dispensation is in the interests of persons living in the authority's area; or
- it is otherwise appropriate to grant a dispensation.

A dispensation granted under section 33 must specify the period for which it has effect, and that period may not exceed four years. If granted the member can take part in that decision-making process.

Note: There is no need for a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support, which is in any event a decision affecting the generality of the public in the area of your council, rather than you as an individual.

This policy was adopted by Loddon Parish Council at its meeting held on 09 December 2020.

Signed:

Dated:

Date for next review: **December 2023** (reviewed every three years)