

## Fairlight Parish Council

### Fairlight Parish Council Code of Conduct

#### Introduction

Pursuant to section 27 of the Localism Act 2011, Fairlight 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.

In accordance with Standing Order 25 a Member with a personal and prejudicial or disclosable pecuniary interest, who has not received dispensation, shall leave the meeting immediately the Chairman announces the relevant agenda item.

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 the Committee or sub-Committee.

A **'Meeting'** is a meeting of the Council, any of its Committees, sub-Committees, joint Committees or joint sub-Committees.

Unless otherwise expressed, a reference to a Member of the Council includes a coopted Member of the Council.

**'Register of Members' interests'** means Rother District Council's register of Members' pecuniary and other interests established and maintained by Rother District Council's Monitoring Officer under section 29 of the Localism Act. 'Monitoring Officer' is the Monitoring Officer of Rother District Council who must maintain a register under Section 29 of the Localism Act 2011.

**'Partner'** means

- Your spouse or civil partner
- A person with whom you are living as husband or wife
- A person with whom you are living as if you were civil partners.

NB The interest which your partner may have is only treated as your interest if you are aware that your partner has the interest.

#### 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

6. 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 with the Monitoring Officer his/her interests and those of his/her spouse which fall within the categories set out in Appendix A (disclosable pecuniary interests).

7. Within 28 days of this Code being adopted by the Council, or the Member's election or the co-opted Members appointment (where that is later), he/she shall register with the Monitoring Officer his/her interests which fall within the categories set out in Appendix B (personal interests).

8. Upon the re-election of a Member or the re-appointment of a co-opted Member, he/she shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B as detailed in paras 6 and 7 above.

9. A Member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it as detailed in paras 6 and 7 above.

10. 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 person connected with the Member to be subject to violence or intimidation.

11. Where a matter arises at a meeting which relates to an interest in Appendix A (disclosable pecuniary interests of him/herself or spouse) the Member shall not participate in a discussion or vote on the matter and shall leave the meeting immediately the Chairman announces the relevant agenda item. 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. See also "dispensations".

12. Where a matter arises at a meeting which relates to an interest in Appendix A (disclosable pecuniary interests of him/herself or spouse) which is a sensitive interest, the Member shall not participate in a discussion or vote on the matter and shall leave the meeting immediately the Chairman announces the relevant agenda item. 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.

13. Where a matter arises at a meeting which relates to an interest in Appendix B (personal interests), the Member 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 (even if no members of the public are present). However, a personal interest will become prejudicial if a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice the Member's judgement of the public interest. In these cases, the Members should leave the meeting immediately after making representation, giving evidence or answering questions.

14. A Member only has to declare his/her interest in Appendix B (personal interests) at the meeting 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. If he/she holds an interest in Appendix B (personal interests) 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.

15. Where the matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest in Appendix A, disclosable pecuniary interests), the Member shall disclose the nature of the interest and 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 (even if there are no public present). If it is a 'sensitive interest' the Member shall declare the interest but not the nature of the interest.

### **Dispensations**

16. On a written request made to the Council's proper officer, the proper officer, or if he/she decides, the Council, may grant a Member a dispensation to participate in a discussion and vote on a matter at a meeting or for a set period of time up to four years, even if he/she has an interest in Appendices A and B. The proper officer/Council should believe that the number of Members otherwise prohibited from take 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.

### **Conduct of Local Authority Members – Predisposition, Bias and Predetermination**

17. It is not a problem for Councillors to be predisposed. Predisposition is where a Councillor holds a view in favour of or against an issue, for example any application for planning permission, but they have an open mind to the merits of the argument before they make the final decision at the Council meeting.

18. Bias or predetermination can lead to problems. It is where a Councillor is closed to the merits of any arguments relating to a particular issue, such as an application for planning permission, and makes a decision on the issue without taking them into account. Councillors must not even appear to have already decided how they will vote at the meeting, so that nothing will change their minds.

19. In summary Councillors are entitled to have and express their own views, as long as they are prepared to reconsider their positions in the light of the evidence and arguments. They must not give the impression that their minds are closed.

### **Register of Members' Interests**

**You should complete the register with sufficient detail to identify clearly what the interest is. Abbreviations, initials or acronyms should not be used. You are personally responsible for the accuracy of the contents of the register and you will breach the Code of Conduct if an interest is not registered at all, or is not registered with sufficient clarity. You should mark "none" on the register if you have no interest to register in any category.**

Full Name

As a Member or co-opted Member of the Fairlight Parish Council, gives notice to the Monitoring Officer of the Rother District Council of the following disclosable pecuniary interests, as required by Section 30 of the Localism Act 2011, and other interests, as required by the Council's Code of Conduct.

#### **1. Disclosable Pecuniary Interests (Appendix A)**

**\*Note:** In the notice below my spouse or partner means anyone who meets the definition in the Localism Act, i.e. my spouse or civil partner, or a person with whom I am living as husband or wife or a person with whom I am living as if we are civil partners, and I am aware that that person has the interest.

#### **Employment, office, trade, profession, or vocation**

Any employment, office, trade, profession or vocation carried on for profit or gain. Include full or part-time employments, identifying the nature of each employment by use of job title or trade, occupation or profession.

Myself

My spouse or partner\*

#### **Sponsorship**

Any payment or provision of any other financial benefit (other than from the Council) made or provided within the period of 12 months ending today in respect of any expenses incurred by me in carrying out duties as Member, or towards my 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.

Myself

My spouse or partner\*

#### **Contracts**

Any contract which is made between me (or my spouse or partner\*) (or a body in which I have a beneficial interest) and the Council 5 (a) Under which goods or services are to be provided or works are to be executed; and (b) Which has not been fully discharged.

Myself

My spouse or partner\*

**Land**

Any beneficial interest<sup>1</sup> in land which is within the area of the Parish Council. Include your home address and other properties you own in the Council area.

Myself

My spouse or partner\*

**Licences**

Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer (include grazing agreements, allotments, garage licences or other short term arrangements which you have to occupy land or property in the authority's area).

Myself

My spouse or partner\*

<sup>1</sup> Beneficial interest could include land or property which you own, or have a right to occupy (eg a tenancy) or receive an income from. This will usually include your home address.

**Corporate tenancies**

Any tenancy where (to my knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which I or my spouse or partner\* has a beneficial interest.

Myself

My spouse or partner\*

**Securities 2**

Any beneficial interest in securities of a body where – (a) that body (to my knowledge) has a place of business or land in the area of the Council; 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 I or my spouse or partner\* has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Myself

My spouse or partner\*

<sup>2</sup> “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.

**2. Other Interests (Appendix B – Personal Interests)**

**2.1 Membership of Organisations**

I am a Member of, or I am in a position of general control or management in

(a) any body to which I have been appointed or nominated by the Council:

(b) any body exercising functions of a public nature (eg school governing body, local committees, public health bodies, other non profit organisations in the public sector or another council):

(c) any body directed to charitable purposes (include charity of which you are a trustee or member, National Trust, RSPB, Rotary, Round Table, Lions and the Masons etc):

(d) any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union):

**2.2 Gifts and hospitality**

Any person from whom I have received (in my capacity as a Member/co-opted Member) a gift or hospitality with an estimated value of at least £50.

Signed..... Date ..... Please retain one copy and send the original to the Clerk who will forward it to the Monitoring Officer