

Salford Parish Council Code of Conduct

adopted 2 April 2013

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Introduction

Pursuant to section 27 of the Localism Act 2011, Salford Parish Council ('the Council') has adopted this Code of Conduct to promote and maintain high standards of conduct and behaviour by its members and co-opted members whenever they conduct the business of the Council.

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, including the business of the office to which members were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council.

Salford Parish Councillors and members of committees and working parties must act in accordance with the 'Nolan Principles' for public bodies which are: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Anyone not acting in this way is in breach of the code of conduct.

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

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

Openness: 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: 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: 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.

Saltford Parish Council also expects its members to observe the following principles:

Personal judgement: Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others: Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

Duty to uphold the law: Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship: Members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.

Any Saltford Parish Councillor and any member of a committee or working party who brings Saltford Parish Council into disrepute by his/her actions is in breach of the Code of Conduct.

Definitions

For the purposes of this Code:

'Member' includes an elected member and a co-opted member.

A 'co-opted member', as defined in the Localism Act section 27 (4) 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.

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 co-opted member of the Council.

Member obligations

When a Councillor acts, claims to act or gives the impression of acting as a representative of the Council, you (the Councillor) has the following obligations.

1. You must treat others with respect.
2. You must 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.
3. You must not treat others in a way that amounts to of which may reasonably be construed as unlawfully discriminating against them.
4. You must not bully any person. Bullying is defined as offensive, intimidating, malicious, insulting or humiliating behaviour which attempts to undermine, hurt or humiliate an individual or group. It can have a damaging effect on a victim's confidence, capability and health. Bullying conduct can involve behaving in an abusive or threatening way, or making allegations about people in public, in the company of any of their colleagues, through the press or in blogs. It may happen once or be part of a pattern of behaviours, although minor isolated incidents are unlikely to be considered bullying. Nothing herein however, should be construed as meaning that it is not right to challenge or test arguments or opinions provided that it is done in an appropriate and respectful manner.
5. You must not intimidate or attempt to intimidate others.
6. You must not conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by members. Further, you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.
7. You must not seek to improperly confer an advantage or disadvantage on any person, and you must not improperly use knowledge gained solely as a result of your role as a member for your own personal advantage.
8. 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.

9. 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 officer(s).
10. When using or authorising the use by others of the resources of the Council, you must act in accordance with the Council's requirements and have the prior formal permission of the Council. 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.
11. You shall not disclose information where disclosure is prohibited by law
12. You shall not disclose information which is confidential 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.
13. You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the council.

Registration of interests

1. 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 Council's Officer(s) and Monitoring Officer if required by B&NES the interests which fall within the categories set out in Appendices A and B, including any 'disclosable pecuniary interest' as defined by the Secretary of State.
2. 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 Council's Officer(s) and Monitoring Officer if required by B&NES any interests in Appendices A and B.
3. As soon as you are aware of any changes in your 'disclosable pecuniary interests', you shall register with the Council's Officer(s) and Monitoring Officer if required by B&NES any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.
4. A member need only declare the existence but not the details of any interest which the Council's Officer(s) and Monitoring Officer if required by B&NES 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.

5. You must record in a register of interests maintained by the Proper Officer any gifts or hospitality that you are offered or receive in connection with your official duties as a member and the source of the gift or hospitality worth £20 or over

Declaration of interests at meetings

1. You must disclose the interest at any meeting of the council at which you are present, where you have a 'disclosable pecuniary interest' which relates to an interest in Appendix A in any matter being considered and where the matter is not a 'sensitive interest'.

2. If you attend a meeting at which any item of business is to be considered and you are aware that you have a "non-disclosable pecuniary interest or non-pecuniary interest" in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.

- (i) You have a "non-disclosable pecuniary interest or non-pecuniary interest" in an item of business of your authority where –
 - a) A decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or
 - b) It relates to or is likely to affect any of the interests listed in the Table Appended to this Code, but in respect of a member of your family (other than a "relevant person") or a person with whom you have a close association and that interest is not a disclosable pecuniary interest.
- (ii) If you have a pecuniary, personal or prejudicial interest in the matter under discussion, you should not:-
 - a) Participate or participate further in any discussion of the matter at the meeting, or discharge any function related to any matter in which you have a 'disclosable pecuniary interest' as listed in Appendix A.
 - b) Participate in any vote, or further vote, taken on the matter at the meeting (unless the member has requested and been granted a relevant dispensation).

3. 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. You only have to declare what your interest is if it is not already entered in the member's register of interests or if you have not notified the Monitoring Officer of it.

4. 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 they have an interest but not the nature of it. A "sensitive interest" is described in the Localism Act 2011 as a member or co-opted member of a council having an interest, and the nature of the interest being 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.

5. You only have to declare your interest in Appendix B if it is not already entered in your register of interests or you have not notified the Monitoring Officer of it or if you speak on the matter. If you hold an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, you shall declare the interest but not the nature of the interest.

6. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest of a person in Appendix A), the member shall disclose the nature of the interest and not vote on the matter. You may speak on the matter, or make representations, answer questions or give evidence relating to the matter only if members of the public are also allowed to speak at the meeting for the same purpose, whether under a statutory right or otherwise. Once you have finished, you must not discuss or vote on the matter. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

Dispensations

1. 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 they have 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.

2. For any motion to set or amend the Parish Council's Council Tax precept, it is not necessary for any Councillor to declare an interest and in the absence of any other reason they are permitted to vote on the motion.

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 they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	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— (a) that body (to the member's 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 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.

*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:

- (i) 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;
- (ii) any body—
 - (a) exercising functions of a public nature;
 - (b) directed to charitable purposes; or
 - (c) 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;
- (iii) any gifts or hospitality worth more than an estimated value of £20 which the member has received in your capacity as a Councillor.