

# NEWENT TOWN COUNCIL

## CODE OF CONDUCT

Adopted by the Council on 13<sup>th</sup> March 2017 (to be reviewed annually)  
Reviewed and re-adopted on 26<sup>th</sup> March 2018, 25<sup>th</sup> February 2019, 27 July 2020

### Introduction

Pursuant to section 27 of the Localism Act 2011, Newent Town 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.

This Code of Conduct is based on the NOLAN principles.

Selflessness: you must take decisions solely in terms of the public interest. You must not do so in order to gain financial or other material benefit for yourself, your family or friends;

Integrity: you must not place yourself under any financial or other obligation to outside individuals or organisations that might influence you in the performance of your official duties;

Objectivity: in carrying out public business, including making public appointments, awarding of contracts, or recommending individuals for rewards and benefits, you must make choices on merit;

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 all the decisions and actions that you take and should give reasons for your decisions. Only when the wider public interest clearly demands it, should you restrict information;

Honesty: you have a duty to declare any personal interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interest;

Leadership: you must promote and support these principles by leadership and example

### 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 that committee or sub-committee.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

The interests listed in Appendix A are "Disclosable Pecuniary Interests", those listed in Appendix B are "Other Interests"

### **Members 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. To behave in such a way that a reasonable person would regard as respectful.
2. Not act in a way which a reasonable person would regard as bullying or intimidatory.
3. Not seek to improperly confer an advantage or disadvantage on any person.
4. To use the resources of the Council in accordance with its requirement and not for private and political purposes.
5. Not disclose confidential information to third parties or where disclosure is prohibited by law.
6. Not to conduct yourself in a manner which is likely to bring the Council into disrepute.
7. Use your position as a Member in the public interest and not for personal advantage.
8. Do nothing that causes the Council to act unlawfully.
9. Ensure public resources are used prudently and in the public interest

### **Registration of interests**

9. 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 all interests which fall within the categories set out in Appendices A and B.
10. Upon the re-election of a member or the re-appointment of a co-opted member, he / she shall within 28 days re-register any interests in Appendices A and B.
11. A member shall register any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.

12. A member need only declare on the public register of interests 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.

### **Declarations of interests at meetings**

13. Where a matter arises at a meeting which relates to an interest is listed in Appendix A, the member shall not participate in any 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 interest or if he/she has not notified the Monitoring Officer.
14. Where a matter arises at a meeting with relates to an interest in Appendix B, the member shall withdraw from the meeting and not vote on the matter. He/she may only speak on the matter if the public are also allowed to speak.
15. Where a matter arises at a meeting which relates to a sensitive interest, the member shall not participate in a discussion or vote on that matter. 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.
16. Where the matter arises at a meeting which relates to a financial interest of a friend, relative or close associate, the Member shall disclose the nature of the interest and 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.

### **Dispensations**

17. On a written request made to the Council's proper officer, the Council may grant a member dispensation to participate in a discussion and vote on a matter if:
- He/she has 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.

### **Gifts and Hospitality**

18. You must, within 28 days of receipt, notify the Town Clerk in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a Member from any person or body other than the Council.

The Proper Officer will place your notification on a public register of gifts and hospitality.

## APPENDIX A (Disclosable Pecuniary interests)

Such interests of:

1. the member, or
2. the member's spouse or civil partner, or
3. a person with whom the member is living as husband and wife, or
4. a person with whom the member is living as if they were civil partners' and the member is aware that that other person has the interest

### **Please note:**

- any person mentioned in 2, 3 & 4 above is known as a "relevant person"
- "Member" includes co-opted member

<b>Subject</b>	<b>Prescribed description</b>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority <sup>1</sup> ) made or provided within the relevant period <sup>2</sup> in respect of any expenses incurred the member in carrying out duties as a member, or towards the election expenses of the member. 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 which is made between the relevant person (or a body <sup>3</sup> in which the relevant person has a beneficial interest) and the relevant authority: (a) under which goods or services are to be provided or works are to be executed; <u>and</u> (b) which has not been fully discharged.
Land <sup>4</sup>	Any beneficial interest in land which is within the area of the relevant

<sup>1</sup> "relevant authority" means the authority of which the member is a member

<sup>2</sup> "relevant period" means a period of 12 months ending on the day on which the member gives a notification to the Monitoring Officer of any Disclosable Pecuniary Interest.

<sup>3</sup> "body in which the member has a beneficial interest" means (a) a firm in which the member is a partner, or (b) a body corporate of which the member is a director, or (c) in the securities of which the member has a beneficial interest

<sup>4</sup> "Land" excludes as easement, servitude, interest or right in or over land which does not carry with it a right for the member to occupy the land or to receive income

	authority
Licences	Any licence to occupy land in the area of the relevant authority for a month or longer
Corporate tenancies	Any tenancy where to the member's knowledge (a) the landlord is the relevant authority; and  (b) the tenant is a body <sup>5</sup> in which the relevant person has a beneficial interest
Securities <sup>6</sup>	(a) Any beneficial interest in securities of a body where  (b) that body (to the member's knowledge) that has a place of business or land in the area of the relevant authority; and  (c) either: (i) the total nominal value of the securities exceeds £25000 or 1/100 <sup>th</sup> 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 relevant person has a beneficial interest which exceeds 1/100 <sup>th</sup> of the total issued share capital of that class.

## APPENDIX B (Other Interests)

<sup>5</sup> See footnote 3

<sup>6</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

Any interest which relates to or is likely to affect:

- 1) 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.<sup>7</sup>
- 2) anybody:
  - a) exercising functions of a public nature;
  - b) directed to charitable purposes;
  - c) one whose principle 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;
- 3) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his / her office;

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<sup>7</sup> Example: where a member has been appointed to a village hall committee by the Council

## **CODE OF CONDUCT COMPLAINTS**

**(For information – please refer to Standing Order 14, page 16)**

- a Upon notification by the District or Unitary Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the council's code of conduct, the Proper Officer shall, subject to standing order 11 above, report this to the council.
- b Where the notification in standing order 14(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in accordance with standing order 14(d) below].
- c The council may:
  - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d Upon notification by the District Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against the individual member.**

Such action excludes disqualification or suspension from office.

### **Actions the council may deem to be appropriate:**

- To censure the member (a formal, and public condemnation)
- Removal of the member for all committees, sub-committees, working parties, stakeholder meetings etc.
- Removal of member from all outside appointments to which the member has been appointed or nominated by the council as its representative.
- To request the member, undergo formal training before being reinstated to any of the aforementioned groups