

Code of Practice

PREAMBLE - THE TEN GENERAL PRINCIPLES OF PUBLIC LIFE

Selflessness – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and integrity – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

Objectivity – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness – members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

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.

Leadership – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

PART 1 -

GENERAL PROVISIONS

1. Introduction and interpretation

- A)** This Code applies to **you** as a member of a Council. The appendix contains the Statutory Requirements, which also apply to you.
- B)** You should read this Code together with the ten general principles of public life.
- C)** It is your responsibility to comply with the provisions of this Code. Failure to do so may result in a sanction being applied by the Council. Failure to take appropriate action in respect of a Disclosable Pecuniary Interest, may result in a criminal conviction and a fine of up to £5,000 and/or disqualification from office for a period of up to 5 years.

In this Code —

"meeting" means any meeting of —

- (a) the council;
- (b) the executive of the council;
- (c) any of the council's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"member" includes a co-opted member and an appointed member;

2. Scope

- A)** Subject to sub-paragraphs (2) and (3), you must comply with this Code whenever you
 - (a) Conduct the business of your council (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) Act, claim or give the impression you are acting as a representative of your council, and references to your official capacity are consulted accordingly.
- B)** This code does not have effect in relation to your conduct other than where it is in your official capacity.
- C)** Where you act as a representative of your council —
 - (a) On another relevant council or authority, you must, when acting for that other council or authority, comply with that other council's or authority's code of conduct; or
 - (b) On any other body, you must, when acting for that other body, comply with your council's or authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other may be subject.

3. General obligations

- A)** You must treat others with respect.
- B)** You must not —
 - (a) do anything which may cause your council to breach the Equality Act
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be —
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her council's code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your council.

4. You must not —

- A)** Disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where —
- (a) you have the consent of a person authorised to give it;
 - (b) you are required by law to do so;
 - (c) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (d) the disclosure is —
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority;
- B)** prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office into disrepute.

6. You —

- A)** must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- B)** must, when using or authorising the use by others of the resources of your council
- (a) act in accordance with your council's reasonable requirements;
 - (b) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- C)** must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7.

- A)** Must when reaching decisions on any matter you must have regard to any relevant advice provided to you by —
- (a) Your Council's chief finance officer; or
 - (b) Your Council's Proper Officer, where that officer is acting pursuant to his or her statutory duties.
- B)** You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

PART 2 -

DISCLOSABLE PECUNIARY INTERESTS

This part explains the statutory requirements of the Localism Act 2011 (Sections 29-34) in relation to disclosable pecuniary interests. These are enforced by criminal sanction.

8. Notification of disclosable pecuniary interests

Within 28 days of becoming a member or co-opted member, you must notify the Proper Officer of any 'disclosable pecuniary interests'. A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) of the following descriptions:

- (a) Details of any employment, office, trade, profession or vocation carried on for profit or gain
- (b) Details of any payment or provision of any other financial benefit (other than from the relevant council) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your 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.
- (c) Details of any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant council under which goods or services are to be provided or works are to be executed; and which has not been fully discharged.
- (d) Details of any beneficial interest in land which is within the area of the relevant council
- (e) Details of any licence (alone or jointly with others) to occupy land in the area of the relevant council for a month or longer.
- (f) Details of any tenancy where (to your knowledge) the landlord is the relevant council; and the tenant is a body in which the relevant person has a beneficial interest.
- (g) Details of any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of the relevant council; and either the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or if that 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 exceeds one hundredth of the total issued share capital of that class.

For the purposes of the foregoing:

'relevant period' means the period of 12 months ending with the day on which you notify the Proper Officer of your disclosable pecuniary interest, and 'relevant person' means you or your spouse or partner as defined above.

9. Non participation in case of disclosable pecuniary interest

- (a) If you are present at a meeting of the Council, or any committee, subcommittee, joint committee or joint sub-committee of the council, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting:
 - ❖ You may not participate in any discussion of the matter at the meeting.
 - ❖ You may not participate in any vote taken on the matter at the meeting.
 - ❖ If the interest is not registered, you must disclose the interest to the meeting.
 - ❖ If the interest is not registered and is not the subject of a pending notification, you must notify the Proper Officer of the interest within 28 days.

In addition, the Council Procedures Rules require you to leave the room where the meeting is held while any decision or voting takes place.

Code of Practice Adopted by Kirkham Town Council on Sept 11th 2018
Minute Reference 2018/9/16ii

- (b) Where an executive member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the executive member must notify the Proper Officer of the interest and must not take any steps or further steps in the matter.

10. Dispensations

The Standards Committee may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

11. Offences

It is a criminal offence to:

- ❖ Fail to notify the Proper Officer of any disclosable pecuniary interest within 28 days of election.
- ❖ Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the Register.
- ❖ Fail to notify the Proper Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting.
- ❖ Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest.
- ❖ As an executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Proper Officer within 28 days of the interest.
- ❖ Knowing or recklessly providing information that is false or misleading in notifying the Proper Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

12. Notification of changes

Whilst not a requirement of the statute, the Council under this Code of Conduct requires you to notify the Proper Officer within 28 days of any new disclosable pecuniary interest, or any change to a disclosure pecuniary interest already notified/registered.

PART 3 -

OTHER INTERESTS

13. Notification of Other Interests

In addition to the foregoing, you must, within 28 days of this Code being adopted by or applied to your Council; or your election or appointment to office (where that is later), notify the Proper Officer in writing of the details of your interests within the following categories, for inclusion in the register of interests:

- a) Details of any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your local authority.
- (b) Details of anybody exercising functions of a public nature, anybody directed to charitable purposes or anybody one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;

- (c) Details of any gift or hospitality with an estimated value of at least £25 that you have received within the preceding three years in connection with your role as a member of the Council, and details of the donor.

You must, within 28 days of becoming aware of any new interest or change to any interest registered under this paragraph notify the Proper Officer in writing of the details of that new interest or change.

14. Disclosure of Other Interests

- (1) Subject to sub-paragraphs (2) to (5), where you have an interest described in paragraph 13 above or in paragraph (2) below in any business of your council and where you are aware of the existence of that interest, and you attend a meeting of your council at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) You have an interest in any business of your council where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a member of your family or any person with whom you have a close association.
- (3) Where you have an interest in any business of the council of the type mentioned in paragraph 13(c), (gifts and hospitality) you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Where you have an interest by virtue of paragraph 13 but, by virtue of paragraph 17, sensitive information relating to it is not registered in the register of members' interests, you must indicate to the meeting that you have an interest, but need not disclose the sensitive information to the meeting.

Where you have an interest in any business of your council by virtue of paragraph 13 or 14 (2), and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

15. Non participation in case of certain other interests

- (1) Where you have an interest in any business of your council by virtue of paragraph 13 or 14(2) AND the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment of the public interest AND where that business:
 - (a) affects your financial position or the financial position of a person or body through whom the interest arises; or
 - (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person through whom the interest arises, you may not participate in any discussion of the matter at the meeting, and you may not participate in any vote taken on the matter at the meeting.

Note: In addition, the Council Procedure Rules require you to leave the room where the meeting is held while any discussion or voting takes place.

- (2) Where you have an interest in any business of your council to which paragraph 15(1) applies, you may attend a meeting but only for the purpose of making representations,

answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise, and provided that you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

(3) Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have an interest under paragraph 15(1) that relates to the functions of your council in respect of —

- i. housing, where you are a tenant of your council provided that those functions do not relate particularly to your tenancy or lease;
- ii. an allowance, payment or indemnity given to members;
- iii. any ceremonial honour given to members;
- iv. setting council tax or a precept under the Local Government Finance Act 1992.

(4) Where, as an executive member, you may discharge a function along, and you become aware of an interest under paragraph 15(1) in a matter being dealt with, or to be dealt with by you, you must notify the Proper Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

Part 4 -

Registration of Members' Interests

16. Register of interests

Any interests notified to the Proper Officer will be included in the register of interests.

A copy of the register will be available for public inspection and will be published on the Council's website.

17. Sensitive interests

Where you consider that disclosure of the details of an interest (disclosable pecuniary interest or 'other' interest) could lead to you, or a person connected with you, being subject to violence or intimidation, and the Proper Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.