



Cottingham Parish Council Member Code of Conduct

CODE OF CONDUCT

1. Introduction

The role of the Councillor across all tiers of local government is a vital part of our country's system of democracy. It is essential that all Councillors are held accountable and all adopt the behaviours and responsibilities associated with their elected role. The conduct of an individual Councillor affects the reputation of all Councillors and of their authority.

Councillors represent local residents. They are elected by the local community who have high expectations and entrust the Councillors to represent their area, taking decisions fairly, openly and transparently. There is an individual and collective responsibility to meet the expectations and to maintain high standards, and this means demonstrating good conduct whilst challenging any behaviour which falls below expectations.

It is also important that a Councillor can undertake the role without being intimidated, bullied, abused or threatened by colleagues or anyone, including the general public. This Code of Conduct is designed to protect the democratic role, encourage good behaviour at all times and to safeguard the public's trust in local government.

All Councils are required to have a local Councillor Code of Conduct. County Associations, supported by NALC can offer advice and support and will arrange the necessary training for all Councillors.

2. Purpose

This Code of Conduct will assist Councillors in modelling the behaviour that is expected of them, to provide a personal check and balance and to set out the type of conduct that could lead to action against them. It also protects the Members and the Council's reputation. It sets out general principles of conduct and the obligations in relation to standards of conduct. The fundamental aim of the Code of Conduct is to create and maintain public confidence in the role of a Councillor and local government.

3. General Principles

Everyone in public office at all levels, who serve the public or deliver public services should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Application of the Code

All Councillors must sign a Declaration of Acceptance of the Code of Conduct at their first meeting. These are re-affirmed at each Annual Meeting of the Council. The Code of Conduct applies at all times and in all forms of communication and interaction.

The Code will not apply in relation to your private life unless you make reference to your Position as a Councillor

The Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct and Councillors are encouraged to seek advice on any matters, either from their Clerk or direct from the Monitoring Officer.

Councillors are expected to fulfil the role of corporate parents and ensure that appropriate steps are taken to protect all children, young people and vulnerable adults. Any concerns should be reported to the safeguarding team.

4. Standards of Councillor Conduct

Here are the obligations, which are the minimum standards of conduct required as a Councillor:

1. Respect

Respect means politeness and courtesy in behaviour, speech and in the written form.

In return a Councillor has a right to expect respectful behaviour from the public and colleagues.

2. Bullying, harassment and discrimination

There should be no bullying or harassment and you must promote equality and not discriminate unlawfully against any person.

3. Impartiality

There should be no compromise, or attempt to compromise, the impartiality of anyone who works for or on behalf of the local council or Borough authority.

4. Confidentiality

There should be no disclosure of information given in confidence. There should be no improper use if knowledge gained as a result of the role of Councillor and there should be no prevention of anyone getting information that they are entitled to by law.

5. Disrepute

A Councillor must not bring their role, or the role of their council into disrepute at any time.

6. Use of the position

A Councillor must not use, or attempt to use, the position improperly.

7. Use of resources and facilities

A Councillor should not misuse council resources and should not use such resources for personal gain or political purposes.

8. Complying with the Code of Conduct

A Councillor must undertake training provided on the Code of Conduct and co-operate with any Code of Conduct investigation to determination.

A Councillor must not intimidate or attempt to intimidate any person involved in an investigation and must comply with any sanction imposed following a finding regarding any breach of the Code of Conduct.

9. Interests

A Councillor must always register and disclose their interests.

10. Gifts and Hospitality

A Councillor must not accept gifts or hospitality, irrespective of value which could give rise to personal gain or a reasonable suspicion of influence. Any gift with a value of £25 or over must be declared to the Council and any significant gift that was refused must also be recorded.

Appendix A - Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012".

You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable pecuniary interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or 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.

You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.

Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion, or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as an Executive member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which **affects** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a friend, relative, close associate; or
- c. a body included in those you need to disclose under Disclosable Pecuniary Interests as set out in **Table 2**.

You must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

Where a matter **affects** your financial interest or well-being:

- d. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- e. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest/

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest. Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Table 1

<u>INTEREST</u>	<u>DESCRIPTION</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on by you for profit or gain.

Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the 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.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between you (or a body in which you have a beneficial interest) and the Council</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	<p>Any beneficial interest in land which is within the area of the Council.</p>
Licences	<p>Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.</p>
Corporate tenancies	<p>Any tenancy where (to your knowledge)</p> <p>(a) the landlord is the Council; and</p> <p>(b) the tenant is a body in which you have a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to your knowledge) has a place of business or land in the area of the Council; and</p> <p>(b) either</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) where 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 you have a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of a registered society within the meaning given by section 1(1) of the co-operative and community benefit Societies Act 2014, other than a society registered as a credit union.

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“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.

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

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

Appendix B

Arrangements for Making Complaints

If a person wishes to make a complaint about a councillor under the Code of Conduct, it should be addressed to:

The Monitoring Officer
North Northamptonshire Council Sheerness House
Kettering
NN16 8TL
or e-mail monitoringofficer@northnorthants.gov.uk

The Monitoring Officer is a senior officer of the Council who has statutory responsibility for maintaining the Register of Members' Interests and who is responsible for administering the process in respect of complaints of alleged Member misconduct.

To ensure that the Monitoring Officer has all the information needed to process a complaint, it is recommended that complainants use the complaint form, which is available on request from the Monitoring Officer or can be downloaded from www.northnorthants.gov.uk.

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