

# **CODE OF CONDUCT FOR COUNCILLORS SHINFIELD PARISH COUNCIL (JULY 2015)**

## **1 Introduction**

This Code of Conduct applies to Councillors and Co-opted Members whenever they are acting as a Member or as a representative of the Council or when they claim to act or give the impression of acting as a representative of the Council.

It does not apply to when the Councillor or Co-opted Member is acting in a private capacity.

When carrying out their public role, Councillors and Co-opted Members should always have regard to the seven principles of public life. These are: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Councillors and Co-opted Members should also read the Code of Conduct together with the Member/Officer Protocol and other sections of the Council's Constitution relating to ethical and financial probity (if applicable).

Any person may make a complaint if a Councillor or Co-opted Member does not act in accordance with this Code. The Local Government Ombudsmen may also regard a breach of the Code as incompatible with good administration, and may make a finding of maladministration by the Council in some circumstances. It is the Councillor and Co-opted Member's sole responsibility to comply with the Code.

A Members' Interest form is provided by the Shinfield Parish Clerk to register interests. He or she will then forward it to Wokingham Borough Council's Monitoring Officer, who has a statutory duty to establish and maintain a register of interests of Members. It should be noted that the form will be published on Wokingham Borough Council's website. When a Councillor or Co-opted Member declares an interest at a meeting of the Council, they should be aware that this will be noted in the Minutes of the Meeting, which is a public document.

If any Councillor or Co-opted Member is unsure about any part of the Code of Conduct, they are urged to seek advice from the Shinfield Parish Clerk.

There are three areas to the Code of Conduct:

- 1 Rules about registration of Disclosable Pecuniary Interests and Personal Interests with Wokingham Borough Council's Monitoring Officer using the Members Interest Form (rule 9.2.3)
- 2 Rules about declaring interests in meetings where items on the agenda conflict with those interests (rules 9.2.4, 9.2.5 and 9.2.6)
- 3 Rules about general behaviour (rule 9.2.8)

## **1.2 Interpretation**

- "Co-opted Member" means a person who is a member of any committee or sub-committee of the Council or is a member of and represents the authority on any joint committee of the Council and who is entitled to vote on any question which falls to be decided at any committee or sub-committee.
- "Councillor" means a Member or Co-opted Member of this Council.
- "Meeting" means any meeting of:
  - a) the Council;
  - b) the Executive of the Council, including when making an Individual Executive Decision;
  - c) any of the Council's or the Executive's committees, sub-committees, joint-committees, joint sub-committees, or area committees;
- "Member" includes a co-opted Member and an appointed Member of this Council

## **1.3 Registration of Disclosable Pecuniary Interests and Personal Interests**

### **1.3.1**

Within 28 days of this Code being adopted by the Council, OR the Councillor's election, OR the Co-opted Member's appointment (whichever is later) Councillors must register with Wokingham Borough Council's Monitoring Officer. the interests which fall within the categories set out in Appendices A and B.

### **1.3.2**

Upon the re-election of the Councillor or the re-appointment of the Co-opted Member, Councillors must within 28 days re-register with Wokingham Borough Council's Monitoring Officer any interests in Appendices A and B.

### **1.3.3**

Councillors must register with Wokingham Borough Council's Monitoring Officer. any change to interests or new interests in Appendices A and B within 28 days of becoming aware of the change.

#### **1.3.4**

Councillors need not register any interest which Wokingham Borough Council's Monitoring Officer agrees is a 'sensitive interest' A sensitive interest is one which, if made public, could lead to the Councillor or a person connected to a Councillor being subject to violence or intimidation.

### **1.4 Declaration of Disclosable Pecuniary Interests at meetings**

#### **1.4.1**

Where a matter arises at a meeting which relates to an interest in Appendix A, Councillors must do the following:

#### **1.4.2**

They should declare their interest at the beginning of the meeting when asked to do so by the Chairman, or if not then, they must do so before the matter is discussed. They must do so regardless of whether or not the interest is registered in their Members Interest form.

#### **1.4.3**

Where a matter arises at a meeting which is a sensitive interest as defined under rule 9.2.3.4 Councillors do not have to declare the exact nature of their interest but must follow the rules regarding non-participation, in rules in 9.2.4.4 and 9.2.4.5 below

#### **1.4.4**

When the item is introduced at the meeting, Councillors may continue to attend the meeting but only for the purpose of making representations, answering questions or giving evidence provided that the public are also allowed to attend the meeting for the same purpose.

#### **1.4.5**

They must then leave the room before the matter is discussed and voted upon.

### **1.5 Declaration of Personal Interests at meetings**

#### **1.5.1**

Where a matter arises at a meeting which relates to or affects an interest in Appendix B or a financial interest of the Councillor, a friend, relative or close associate (and it is not a Disclosable Pecuniary Interest listed in Appendix A), Councillors must do the following:

#### **1.5.2**

They should declare the interest at the beginning of the meeting when asked to do so by the Chairman as a "Personal Interest" or if not then, they must do so before the

matter is discussed or voted upon. They must do so regardless of whether or not the interest is registered in their Members Interest form. .

### **1.5.3**

Where a matter arises at a meeting which is a sensitive interest as defined under rule 1.3.4 Councillors do not have to declare the exact nature of their interest

### **15.4**

They may however participate in the discussion and vote on the matter, subject to rule 1.6 below.

## **1.6 Declaration of Prejudicial Interests at meetings**

### **1.6.1**

Where the matter affects the declared interest under rule 1.5.1 more than the majority of people in the area affected by the decision, and a reasonable member of the public would think the Councillor's view of the public interest would be adversely affected, the Councillor must do the following:

### **16.2**

They should declare this as a Prejudicial interest at the beginning of the meeting when asked to do so by the Chairman, or if not then, they must do so before the matter is discussed.

### **1.6.3**

Where a matter arises at a meeting which is a sensitive interest as defined under rule 1.3.4 Councillors do not have to declare the exact nature of their interest but must follow the rules regarding non-participation, in rules 1.6.4 and 1.6.5 below.

### **1.6.4**

When the item is introduced at the meeting, Councillors may continue to attend the meeting but only for the purpose of making representations, answering questions or giving evidence provided that the public are also allowed to attend the meeting for the same purpose.

### **1.6.5**

They must then leave the room before the matter is discussed or voted upon.

## **1.7 Dispensations**

### **1.7.1**

On a written request, the Shinfield Parish Clerk may grant a Councillor a dispensation to participate in a discussion and/or vote on a matter at a meeting where they would otherwise not be allowed to if the Shinfield Parish Clerk believes

that the number of Councillors 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 Councillor to take part or it is otherwise appropriate to grant a dispensation. The dispensation will last no longer than 4 years from the date of the dispensation.

## **1.8 Behaviour**

### **1.8.1**

Councillors must not behave in such a way that a reasonable person would regard as disrespectful to others.

### **1.8.2**

Councillors must not act in a way which a reasonable person would regard as bullying, or in any way which is intimidating to others.

### **1.8.3**

Councillors must not seek improperly to confer an advantage or disadvantage on any person.

### **1.8.4**

Councillors must only use the resources of the Council when undertaking Council business.

### **1.8.5**

Councillors must not knowingly disclose information which they believe, or ought reasonably to be aware, is confidential or where disclosure is prohibited by law, unless it is with good cause, or they have the consent of the person authorised to give it, or they are required by law to do so.

### **1.8.6**

Councillors must respect the impartiality of officers and not put undue pressure on them.

### **1.8.7**

Councillors must not do anything which may cause their Council to breach any of the equality enactments (as defined in the Equality Act 2010).

### **1.8.8**

Councillors must notify the Shinfield Parish Clerk of any gifts or hospitality worth more than an estimated value of £25 which the Councillor has received by virtue of his or her office or any gifts or hospitality worth more than an estimated value of £25 which they have been offered but which they subsequently declined.

## APPENDIX A DISCLOSABLE PECUNIARY INTERESTS

Interests defined by regulations made under s30(3) of the Localism Act 2011 and described in the table below.

(In the extracts from the Regulations below, ‘M’ means you and ‘relevant person’ means you and your partner). “Partner” means a spouse or civil partner of M, or a person with whom M is living as husband and wife or a person with whom M is living as if they were civil partners

<b>Subject</b>	<b>Prescribed description</b>
Employment, office, trade, profession or vacation	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) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. 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 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; and b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M’s knowledge)— a) the landlord is the relevant authority; and b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where—

	<p>a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; 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) 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 exceeds one hundredth of the total issued share capital of that class.</p>
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These descriptions on Disclosable Pecuniary Interests above are subject to the following definitions;

The Act	means the Localism Act 2011
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 an industrial and provident society;
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;
M	means a member of a relevant authority;
Member	includes a co-opted member;
Relevant authority	means the authority of which M is a member;
Relevant period	means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;
Relevant person	means M or any other person referred to in section 30(3)(b) of the Act;
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.
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**IMPORTANT NOTE:**

Under s34 of the Localism Act 2011 it is a criminal offence if a Member or co-opted Member:

- a) fails to notify Wokingham Borough Council's Monitoring Officer of any Disclosable Pecuniary Interest within 28 days of election;
- b) fails to disclose a Disclosable Pecuniary Interest at a meeting of the Council if that interest is not included on the register;
- c) participates in any discussion or vote on a matter in which they have a Disclosable Pecuniary Interest;
- d) fails to notify Wokingham Borough Council's Monitoring Officer within 28 days of a Disclosable Pecuniary Interest that is not included on the register that they have disclosed to a meeting;
- e) as an Executive Member discharging a function acting alone i.e. an Individual Executive Member Decision, and having a Disclosable Pecuniary Interest in such a matter, fails to notify Wokingham Borough Council's Monitoring Officer within 28 days of the interest;
- f) As an Executive Member discharging a function acting alone, i.e. an Individual Executive Member Decision, and having a Disclosable Pecuniary Interest in such a matter, participates in any steps, or further steps in relation to the matter.
- f) knowingly or recklessly providing information that is false or misleading in notifying Wokingham Borough Council's Monitoring Officer of a Disclosable Pecuniary Interest or in disclosing such an interest to a meeting.

## **APPENDIX B REGISTERED PERSONAL INTERESTS**

Councillors must register:

- i) any body of which the Councillor is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- ii) any body
  - exercising functions of a public nature; or
  - directed to charitable purposes; or
  - one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
  - of which the Councillor is a member or in a position of general control or management;