

# **Riverhead Parish Council**

## **Members' Code of Conduct**

### **June 2019**

#### **Introduction**

Pursuant to section 27 of the Localism Act 2011, Riverhead Parish 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 principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

#### **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.

#### **Member 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. He/she shall behave in such a way that a reasonable person would regard as respectful.
2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
3. He/she shall promote and support high standards of conduct when serving in his/her public post, in particular as characterised by the above requirements, by leadership and example.
4. He/she shall not seek to improperly confer an advantage on any person, him/herself, his/her family, friend or close associate.
5. He/she shall not seek to improperly confer a disadvantage on any person.
6. He/she shall use the resources of the Council in accordance with its requirements.
7. He/she shall not place him/herself under a financial or other obligation to outside individuals or organisations that might seek to influence him/her in the performance of official duties.
8. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.
9. When carrying out his/her public duties, he/she must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
10. He/she shall be as open as possible about his/her decisions and actions and the decisions and actions of his/her authority and should be prepared to give reasons for those decisions and actions.
11. He/she is accountable for their decisions to the public and must co-operate fully with whatever scrutiny is appropriate to your office.

### **Internal complaint procedure against a Councillor**

12. Complaints against a Councillor may be dealt with internally in accordance with Appendix 1. This procedure is purely internal to Riverhead Parish Council and will not impede a Councillor to lodge an official complaint to the District Council in accordance with Section 14 of the Standing Orders.

## **Registration of interests**

13. 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 Monitoring Officer the interests which fall within the categories set out in Appendices A and B.
14. 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 Monitoring Officer any interests in Appendices A and B.
15. A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.
16. A member need only declare 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.

## **Declaration of interests at meetings**

17. 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. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it.
18. 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 he/she has an interest but not the nature of it.
19. Where a matter arises at a meeting which relates to an interest in Appendix B, the member 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.

20. A member only has to declare his/her interest in Appendix B if it is not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter. If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.
21. 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. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

## **Dispensations**

22. 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 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.

## Appendix A

Interests described in the table below.

<b>Subject</b>	<b>Description</b>
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 11 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.

### NOTE:

In accordance with section 34 of the Localism Act 2011, it is a criminal offence if, without reasonable excuse, a member of the Council:

- (a) fails to notify the Monitoring Officer of a Disclosable Pecuniary Interest before the end of 28 days of becoming, or being re-elected or re-appointed, a Member or Co-opted Member of the Authority;
- (b) fails to notify the Monitoring Officer of a Disclosable Pecuniary Interest before the end of 28 days of becoming aware of it, where you are acting alone in the course of discharging a function of the Authority (including making a decision in relation to the matter) and the interest is not already registered or is not the subject of a pending notification to the Monitoring Officer;
- (c) fails to disclose a Disclosable Pecuniary Interest at a meeting, where such interest has not already been registered or notified to the Monitoring Officer;
- (d) fails to notify the Monitoring Officer of a Disclosable Pecuniary Interest before the end of 28 days of disclosing it at a meeting, where such interest has not already been registered or notified to the Monitoring Officer;
- (e) takes part in discussions or votes at meetings that relate to the Disclosable Pecuniary Interest, unless a dispensation has been granted
- (f) knowingly or recklessly provide false or misleading information in any of the above disclosures or notifications.

## **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 £50 which the member has received by virtue of his or her office.

## **Annex I : Internal complaint procedure against a councillor**

1. Complaints against a Councillor may be dealt with internally as follows:

- (1) Private Warning

Upon receiving complaints against a Councillor from at least three fellow councillors, the Chairman (or a Vice-Chairman if the complaint is related to the Chairman), will issue a private warning by email to a Councillor. The matter will not be discussed further in Council or Committee unless at the request of the councillor concerned and exclusively in front of the Standing Committee.

- (2) Council Warning

Upon receiving within the year three further complaints related or not to the same matter against the same Councillor from at least three councillors (one of them not being an original complainer if there are only three complaints), the Chairman (or a Vice-Chairman if the complaint is related to the Chairman), will issue a Council Warning to the Councillor. This will take the form of an email sent in copy to all councillors. The matter will not be discussed further by email or in Council or Commission unless at the request of the councillor concerned and exclusively in front of the Standing Committee.

- (3) Vote of non-confidence

Upon request of four councillors addressed within a year of the Council Warning to the Chairman (or Vice-Chairman if the complaints are related to the Chairman), the Standing Committee may take the decision at the majority of vote to present the complaints to Riverhead Parish Council monthly meeting for a vote of non-confidence of the councillor against who the complaints have been lodged.

2. The following rules will be respected at all stages of the procedure:

- The complaint should only regard behaviour or matters directly related to Parish Council affairs.
- The councillor against who the complaint has been directed will always have the right to justify him/herself either in person or through the intermediary of another councillor. He/she can do so in writing to the Chairman or to the Council or he can request a meeting with the Standing Committee. The Chairman will refer the response to the complaining parties and try to reach an agreeable settlement if at all possible.
- The Standing Committee will be composed of the Chairman and two vice-chairmen or the longest serving members of the Parish Council if the complaints have been lodged against the Chairman or one of the Vice-Chairmen.
- No public will be allowed to be present at a meeting when such a complaint is evoked.

This procedure is purely internal to Riverhead Parish Council and will not impede a Councillor to lodge an official complaint to the District Council in accordance with Section 14 of the Standing Orders.