

Agenda Item 7

Adoption of New Code of Conduct:

Barrowford needs to adopt a new code of conduct for members to incorporate recent changes in the regulations. The Clerk is advocating the adoption of the Pendle Borough Council Code of Conduct as the Code will be Monitored by the Monitoring Officer at Pendle.

Once the Code has been adopted the wording that appears on the agenda under Declarations of Interest will need to be changed to:

Members are reminded of the legal requirements concerning the declaration of interests.

A Member must declare a disclosable pecuniary interest which he/she has in any item on the agenda. A Member with a disclosable pecuniary interest in any item may not participate in any discussion of the matter at the meeting and must not participate in any vote taken on the matter at the meeting.

In addition, the Council's Standing Orders require a Member with a disclosable pecuniary interest to leave the room where the meeting is held while any discussion or voting takes place.

PROPOSED CODE OF CONDUCT FOR MEMBERS

This is Barrowford Parish Council's Code dealing with the conduct expected of members and co-opted members of the Council. It applies to you when you are acting in your capacity as a councillor and to all forms of communication and interaction.

You are a member or co-opted member of Barrowford Parish Council and you must have regard to the following Seven Principles of Public Life – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Accordingly –

- You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
- You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
- You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
- You must be as open as possible about your decisions and actions and the decisions and actions of the Council and should be prepared to give reasons for those decisions and actions.
- You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the box below.
- You must always treat members of the public, other councillors, employees of the Council, employees and representatives of partner organisations, and volunteers for the Council with respect. Respect means politeness and courtesy in behaviour, speech and the written word. As a councillor you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner.

Disrespect includes personal attack, harassment and bullying. Bullying is offensive, intimidating, malicious, insulting behaviour or abuse or misuse of power which undermines, humiliates, denigrates or injures the recipient. Harassment is conduct that causes alarm or distress or puts someone in fear of violence on at least two occasions.

You must not discriminate unlawfully against any person. Councillors have a central role in ensuring that equality issues are integral to the Council's activities.

- You must, when using or authorising the use by others of the resources of the Council, ensure that such resources are not used improperly (including for political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- You must respect the confidentiality of information given to you. If you consider it should be disclosed you should consult the Monitoring Officer prior to its release.
- You must behave in accordance with all our legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures, including on the use of its resources.
- You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.
- You must respect the impartiality of Council officers. You must take account of relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- You should exercise caution in accepting any gifts or hospitality offered to you because you are a councillor. You should follow the Council's guidance on accepting or declining and registering offers of gifts and hospitality.
- You should undertake code of conduct training provided by the Council and you must cooperate with any code of conduct investigation.

Registering and declaring pecuniary and non-pecuniary interests

You must, within 28 days of taking office as a member or co-opted member, notify the Council's Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a member or co-opted member, notify the Monitoring Officer of any disclosable pecuniary or non-pecuniary interest which the Council has decided should be included in the register.

If an interest has not been entered onto the Council's register, then the member must disclose the interest to any meeting of the Council at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a "sensitive interest."

Following any disclosure of an interest not on the Council's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions the Council places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by the Council.

A "meeting" includes a meeting of the full Council, Committees and Sub-Committees.

A "sensitive interest" is described in the Localism Act 2011 as a member or co-opted member of the Council having an interest and the nature of the interest being such that the member or co-opted member and the Monitoring Officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

The "Monitoring Officer" is the Head of Legal Services of the Council.

Disclosable Pecuniary Interests

The following interests are Disclosable Pecuniary Interests (under the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012).

The guidance and examples are to assist members but they need to form their own view as to what to disclose. For more advice contact the Head of Legal Services.

Disclosure is required of interests which the member him/herself has and also the interests which their partner (spouse, common law spouse or civil partner) has.

DPI	Description	Guidance/Example
Employment, office trade, profession or vocation	An employment, office, trade, profession or vocation carried on for profit or gain.	You should give detail of your employer including their name and address. If self-employed you should give a clear description of the work you do.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period ("relevant period" means the period of 12 months ending with the day on which you give this notification) in respect of any expenses incurred by you 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.	This does not include the members' allowance you may have received from the Council.
Contracts	Any contract which is made between you (or a body in which you have a beneficial interest) and the Council – (a) under which the goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.	This includes a contract in your name or that of your employer, or a business in which you have a commercial interest for the provision of goods, services or works. It only relates to current contracts.
Land	Any beneficial interest in land which is within the area of the Council ("land" does not include an	This includes your home and any other buildings or land you own or occupy, including rented property.

	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.	It does not include land of which you are a trustee unless you are also a beneficiary under the trust.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.	
Corporate Tenancies	Any tenancy where (to your knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which you have a beneficial interest.	Note that you may have to declare the same tenancy here as well as under Land above. If you are a member of a club or other body which rents from the Council you may have to disclose it here.
Securities	Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or land in the area of the Council; and (b) either – (c) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (d) 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. ("Securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services	This only applies if you own shares in a business which has a place of business or other land within Pendle.

	and Markets Act 2000 and other securities of any description, other than money deposited with a building society.)	
--	--	--

Register of Interests

1. The Borough Council’s Monitoring Officer has to establish and maintain a Register of Interests for all members and co-opted members of the Borough Council.
2. The Borough Council’s Monitoring Officer has to establish and maintain the Register of Interests for all members and co-opted members of all Parish and Town Councils in the Borough.
3. Entries can be deleted where a member or co-opted member no longer has that interest or is no longer a member or co-opted member.
4. The Borough Council’s Register is available for inspection at Nelson Town Hall and is published on the Borough Council’s website.
5. For Parish and Town Council Registers:
 - (a) These have to be made available for inspection at place in that council’s area
 - (b) A copy is published on the Borough Council’s website.
 - (c) If the Parish or Town Council has a website, a copy has to be published on there also.

Disclosure of Interests for the Register

1. Members and co-opted members have to disclose all their Disclosable Pecuniary Interests to the Monitoring Officer within 28 days of becoming a member or co-opted member. The Disclosable Pecuniary Interests of the following are treated as being Disclosable Pecuniary Interests of the member:
 - (a) The member’s spouse or civil partner;
 - (b) A person with whom the member is living as husband and wife;
 - (c) A person with whom the member is living as if they were civil partners.
 AND the member or co-opted member is aware that the other person has the interest.
2. The Borough Council’s Monitoring Officer has to record in the register all the interests which are notified to him, even if these aren’t Disclosable Pecuniary Interests.

Disclosure of Interests at Meetings

1. These disclosure obligations apply to meetings of a Council, including committees, sub-committees, joint committees and joint sub-committees.
2. If a member has a Disclosable Pecuniary Interest in a matter to be considered, or being considered, at any of the meetings described above and they are aware of this fact, then the member must not participate, or participate further, in any discussion of the matter at the meeting or participate in any vote on the matter at the meeting.
3. If the interest isn’t entered in the Register of Interests, the member must disclose the interest to the meeting and must notify the Monitoring Officer within 28 days about the interest (if he or she hasn’t already done so).
4. The Council requires a member to leave the room while a discussion or vote takes place on a matter where the member has a Disclosable pecuniary Interest.

Dispensations

1. A Council may grant a dispensation to a member or co-opted member of that Council (on receipt of a written request) to speak and vote on a matter where they have a Disclosable Pecuniary Interest. A Council may grant a dispensation where, having had regard to all the relevant circumstances it:
 - (a) Considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business.
 - (b) Considers that without the dispensation the representation of different groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.
 - (c) Considers that granting the dispensation is in the interests of persons living in the authority's area.
 - (d) Considers that it is otherwise appropriate to grant a dispensation.
2. Any dispensation granted must specify how long it will last, up to a maximum of 4 years.
3. The Council has delegated the granting of dispensations to the Monitoring Officer.

Offences

1. The offences under the Act are:
 - (a) Without reasonable excuse, to fail to register all Disclosable Pecuniary Interests within 28 days of becoming a member.
 - (b) Without reasonable excuse, to fail to declare a Disclosable Pecuniary Interest at a meeting where a member has such an interest in a matter under discussion.
 - (c) Without reasonable excuse, to fail to register a Disclosable Pecuniary Interest within 28 days of declaring it at a meeting.
 - (d) Without reasonable excuse, to participate in the discussion of and/or vote on a matter where the member has a Disclosable Pecuniary Interest.
2. It is also an offence to provide false or misleading information (or to be reckless whether information is true and not misleading) in respect of the above offences.
3. The maximum penalty for the above offences is a fine not exceeding Level 5 (£5,000). In addition, a court can disqualify a member or co-opted member for a period not exceeding 5 years.
4. No prosecutions for these offences can be begun except by or on behalf of the Director of Public Prosecutions.