

BOLTON BY BOWLAND, GISBURN FOREST & SAWLEY PARISH COUNCIL CODE OF CONDUCT

Preamble

This is the Code of Conduct which Members of Bolton by Bowland, Gisburn Forest & Sawley Parish Council agree to adhere to.

The following principles of public life are the general principles which govern the conduct of members of local authorities and define the standards that members should uphold.

1. **Helpfulness** - members should endeavour to assist interested parties (including but not exclusively electors) wherever this is feasible, within the powers allowed invested in the Parish Council
2. **Honesty & Integrity** - members should not place themselves in a situation where their honesty & integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.
3. **Objectivity** - members should make decisions on merit including when making appointments, awarding contracts, or recommending individuals for reward or benefit.
4. **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.
5. **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.
6. **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.
7. **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.
8. **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.
9. **Stewardship** - members should do whatever they are able to do to ensure that their Authority uses its resources prudently, and in accordance with the law.
10. **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.

Code of Conduct

Part 1

General Provisions

Introduction and Interpretation

1. This Code applies to you as a member of an Authority (Bolton by Bowland, Gisburn Forest & Sawley Parish Council) and it is your responsibility to comply with the provisions of this Code. In this code: "**meeting**" means any meeting of : Bolton by Bowland, Gisburn Forest & Sawley Parish Council, its committees, working parties, or at any meeting where you represent Bolton by Bowland, Gisburn Forest & Sawley Parish Council and "**member**" includes a co-opted member and an elected member.

In relation to Bolton by Bowland, Gisburn Forest & Sawley Parish Council, references to an authority's monitoring officer and standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of Ribble Valley Borough Council for which it is responsible under Section 55 (12) of the Local Government Act 2000.

Scope

2. You must comply with this Code whenever you:

- a) **Conduct the business of the Parish Council** (including the business of the office to which you are elected or appointed) ; or

- b) **Act, claim to act or give the impression you are acting** as a representative of the Parish Council, and may only act as a representative of the Parish Council when you have been instructed to act in that manner.
- c) **On another relevant authority, you must**, when acting for that other authority, comply with that other authority's Code of Conduct ;
- d) **On any other body you must**, when acting for that other body, comply with the Parish Council's Code of Conduct, except and in so far as it conflicts with any other lawful obligations to which that other body may be subject.

General Obligations

3, You must treat others with respect

You must not:

- a) Do anything which may cause your authority to breach any of the equality enactments (as defined in Section 33 of the Equality Act 2006) ;
- b) Bully any person;
- c) Intimidate or attempt to intimidate any person who is or is likely to be:
a complainant, a witness, or any person 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 / her authority's code of conduct ; or
do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Parish Council or on behalf of any proper authority.

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**;
 - (i) You have the consent of a person authorised to give it;
 - (ii) You are required by law to do it
 - (iii) 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
 - (iv) The disclosure is reasonable and in the public interest; and made in good faith and in compliance with the reasonable requirements of the authority
 - (v) Disclosure could prevent another person from gaining access to information to which that person is entitled by law

You must not conduct yourself in a manner which could easily be regarded as bringing your office or authority into disrepute.

You: 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;

You must, when using or authorising the use by others of the Parish Council's resources;

- (i) Act in accordance with the Parish Council's reasonable requirements
- (ii) Ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (iii) Have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986

When reaching decisions on any matter you must have regard to and relevant advice provided to you by

- (a) The Parish Council's Proper Officer; or
- (b) Ribbles Valley Borough Council's monitoring officer, where that officer is acting pursuant to his / her statutory duties

You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Parish and Borough Council, as appropriate.

Part 2

3. Interests

Personal Interests

You have a personal interest in any business of the Parish Council where either it relates to or is likely to affect:

- a. 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 the Parish Council;
- b. Any body exercising functions of a public nature; or directed to charitable purposes; or one of those 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. Any employment or business carried on by you and any person or body who employs or has appointed you;
- d. Any person, or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
- e. Any person or body who has a place of business or land in the Parish Council's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- f. Any contract for goods, services or works made between the Parish Council and you or a firm in which you are a partner, a company in which you are a remunerated director, or a person or body of the description specified in paragraph (e);
- g. The interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
- h. Any land in the Parish Council's area in which you have a beneficial interest;
- i. Any land where the landlord is the Parish Council and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (e) is, the tenant;
- j. Any land in the Parish Council's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- k. 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 relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be.

You must regard a relevant person as including;

- i. a member of your family or any person with whom you have a close association; or
- ii. any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- iii. any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000 ; or

Disclosure of personal interests

Where you have a personal interest in any business and you attend a meeting of the Parish Council or on its behalf 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 as soon as the interest becomes apparent, whichever is the earlier.

Where you have a personal interest in any business of the Parish Council which relates to or is likely to affect a person described in paragraph 3a) or b) you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business. This only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

Where you have a personal interest but the sensitive information relating to it is not registered in your authority's register of member's interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive nature of the interest to the meeting.

Where you have a personal interest in any business of the Parish Council, and a member of the public with knowledge of the relevant facts would reasonably regard that interest as being so

significant that it is likely to prejudice your judgement of the public interest you should withdraw from that part of the meeting and not vote on any motion to which the matter relates.

Prejudicial Interest generally

You do not have a prejudicial interest in any business of the Parish Council where that business:

Does not affect your financial position or the financial position of a relevant person or body
Does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body as described previously; or

Relates to the functions of the Parish Council in respect of;

- a) Housing, where you a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
- b) School meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education; or are a parent or governor of a school, unless it relates particularly to the school which the child attends;
- c) An allowance, payment or indemnity given to members;
- d) Any ceremonial honour given to members: and
- e) Setting council tax or a precept under the Local Government Finance Act 1992

Prejudicial interests arising in relation to overview and scrutiny committees

You also have a prejudicial interest in any business before an overview and scrutiny committee of the Parish Council (and any committee thereof) where:

That business relates to a decision made (whether implemented or not) or actions taken by the Parish Council's executive or another of its committees or working parties: and at the time the decision was made or action was taken, you were a member of the Parish Council's executive, other committee or working party mentioned above and you were present when that decision or action was taken.

Effect of prejudicial interests on participation

Subject to sub-paragraph (a) below, where you have a prejudicial interest in any business of your authority:

You must withdraw from the room or chamber where a meeting considering the business is being held;

In a case where sub-paragraph (a) applies, immediately after making representations, answering questions or giving evidence:

In any other case, whenever it becomes apparent that the business is being considered at that meeting; unless you have obtained a dispensation from your authority's standards committee

Note that you must not exercise executive functions in relation to that business; and you must not seek improperly to influence a decision about that business

- a) Where you have a prejudicial interest in any business of the Parish Council, you may attend a meeting (including a meeting of the overview and scrutiny of the Parish Council, or Ribble Valley Borough Council or of a sub-committee of such a body) but only for the purpose of making representations, answering questions or giving evidence relating to the business, providing that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3

Registration of Member's Interests

Subject to any matters which would be considered as sensitive, you must, within 28 days of:

- a) this code being adopted by or applied to the Parish Council; or
- b) your election or appointment to office (where that is later),

register in the Parish Council's Register of Members' Interests (maintained by the Proper Officer under Section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in this Code), by providing written notification to the Parish Council's Proper Officer.

Subject to any matters being considered as sensitive, you must, **within 28 days of becoming aware of any new personal interest or change to any personal interest, register details of that new personal interest or change by providing written notification to the Parish Council's Proper Officer.**

Sensitive Information

Where you consider that the information relating to any of your personal interests is sensitive information, and the Parish Council's Proper Officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest. However, you must, within 28 days of becoming aware of any change of circumstances which means that information excluded which is no longer sensitive information, notify the Parish Council's Proper Officer asking that the information be included in your authority's register of members' interests.

In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you, or a person who lives with you, may be subjected to violence or intimidation.