



BOWERS GIFFORD & NORTH BENFLEET PARISH COUNCIL

CODE OF CONDUCT

THE NOLAN PRINCIPLES AND SECTION 28(1) OF THE LOCALISM ACT 2011

SELFLESSNESS

To serve only the public interest and never improperly confer an advantage or disadvantage on any person

INTEGRITY

Not to place themselves in situations where their integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour

OBJECTIVITY

Make decisions on merit, including when making appointments, awarding Contracts or recommending individuals for rewards or benefits.

ACCOUNTABILITY

To 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 Office.

OPENNESS

To be as open as possible about their actions and those of the Council and should be prepared to give reasons for those actions.

HONESTY

Not to place themselves in situations where their honesty may be questioned, should not behave improperly and should, on all occasions, avoid the appearance of such behaviour.

LEADERSHIP

Should promote and support these principles by leadership and by example and should always act in a way that secures or preserves public confidence.

RESPECT FOR OTHERS

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.. Also to respect the impartiality and integrity of the authority's statutory officers and other employees

DUTY TO UPHOLD THE LAW

Should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them

COUNCILLOR CODE OF CONDUCT

PART 1 GENERAL PROVISIONS

Introduction and interpretation

As a Member you are a representative of this Authority and the public will view you as such. Therefore your actions impact on how the Authority as a whole is viewed and your actions can have both positive and negative impacts on the Authority.

This Code as a whole is consistent with the “Nolan Principles” which are set out in Appendix 1 and the provisions of S29(1) Localism Act 2011

In this Code-

“meeting” means any meeting of:

- (a) the Authority
- (b) the Executive of the Authority
- (c) any of the Authority’s or its Executive’s committees, sub-committees, joint committees, joint sub-committees or areas committees whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members
- (d) any briefings by officers and site visits organised by the authority

“Member” includes a co-opted member (with voting rights).

1. Who does the Code apply to?

- 1.1 This Code applies to all Members of the Authority including co-opted members (with voting rights).
- 1.2 It is your responsibility to comply with the provisions of this Code.

2. What does the Code apply to?

- 2.1 You must comply with this Code whenever you -
 - (a) conduct the business of the Authority, or
 - (b) you are acting as a representative of the Authority,
- 2.2 This Code has effect in relation to your conduct in your official capacity.
- 2.3 Where you act as a representative of the Authority
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

- (b) on any other body, you must, when acting for that other body, comply with the Authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3. General obligations

3.1 You must treat others with respect.

3.2 You must uphold the law

3.3 You must not--

- (a) do anything which may cause the Authority to breach any of the equality enactments
- (b) bully any person;
- (c) intimidate or attempt to intimidate any person who is or is likely to be--
 - i a complainant,
 - ii a witness, or
 - iii involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with the Authority's code of conduct;
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.

4. Confidential Information

4.1 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 so;
 - 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; or

iv the disclosure is--

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the Authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. Conferring an advantage or disadvantage

5.1 You must--

(a) 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; and

(b) when using or authorising the use by others of the resources of your Authority-

i act in accordance with the Authority's reasonable requirements;

ii ensure that such resources are not used improperly for political purposes (including party political purposes);

(c) have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

PART 2 MEMBERS INTERESTS

6. Disclosable Pecuniary Interests

6.1 You have a disclosable pecuniary interest in any business of the Authority if it is of a description set out in 6.2 below and is either:

- (a) An interest of yours, or
- (b) An interest (of which you are aware) of a spouse, civil partner or a person you are living with as a spouse or civil partner (known as “Relevant Persons”)

6.2 A Pecuniary Interest is an interest which relates to or is likely to affect:

- (a) Any employment, office, trade, profession or vocation carried on by you or a Relevant Person for profit or gain;
- (b) Any payment or provision of any other financial benefit (other than from the Authority) made or provided within the relevant period in respect of any expenses incurred in carrying out your 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
- (c) Any contract for goods, services or works which has not been fully discharged between you or a Relevant Person and the Authority or a body in which you or they have a beneficial interest;
- (d) A beneficial interest in any land in the Authority’s area
- (e) a licence of any land in the Authority’s area (alone or jointly with others) that you or a Relevant Person occupy for a month or longer
- (f) Any tenancy where to your knowledge (a) the landlord is the Authority and (b) the tenant is a body in which you or a Relevant Person has a beneficial interest
- (g) Any beneficial interest in securities of a body where-
 - i that body (to your knowledge) has a place of business or land in the area of the Authority, and
 - ii either:
 - (aa) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (bb) the beneficial interest exceeds one hundredth of the total issued share capital of the share capital of that body, if of more than one class, the total nominal value of the shares of any one class

7. Other Pecuniary Interests

7.1 You have a pecuniary interest in any business of the Authority where it relates to or is likely to affect:

- (a) any person or body who employs or has appointed you;
- (b) any contract for goods, services or works made between the Authority and you 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 specific in paragraph 6.2 (g) which has been fully discharged within the last 12 months;

8. Non-Pecuniary Interests

8.1 You have a non-pecuniary interest in any business of your authority where it relates 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 Authority;
- (b) any body-
 - i exercising functions of a public nature;
 - ii 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);of which you are a member or in a position of general control or management;
- (c) the interests of any person from whom you have received a gift, benefit or hospitality with an estimated value of at least £25;
- (d) a decision in relation to that business might reasonably be regarded as affecting your wellbeing or the wellbeing of a relevant person to a greater extent that the majority of:-
 - i (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
 - ii (in all other cases) other council tax payers, ratepayers or inhabitants of the Authority's areas

9. Declarations of Interests at meetings (Disclosable Pecuniary interests, Other Pecuniary Interests and Non-Pecuniary Interests)

- 9.1 Subject to sub-paragraphs 9.2 to 9.3, where you have a Disclosable Pecuniary Interest, Other Pecuniary Interest or a Non-Pecuniary Interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must declare at that meeting the existence and nature of that interest whether or not it is registered on your Register of Interests or for which you have made a pending notification
- 9.2 Sub-paragraph 9.1 only applies where you are aware or ought reasonably to be aware of the existence of the Relevant Person's Interest
- 9.3 Where you have an interest in any business of your authority which would be declared at a meeting by virtue of paragraph 9.1 but by virtue of paragraph 13 (Sensitive Information) details of the interest are not registered in the Authority's published Register of Members' Interest, you need not disclose the nature of the interest to the meeting
- 9.4 Where you have a Pecuniary Interest in any business of the Authority and a function of the Authority may be discharged by you acting alone in relation to that business, you must ensure you notify the Authority's Monitoring Officer of the existence and nature of that interest within 28 days of becoming aware that you will be dealing with the matter even if it is more than 28 days before you will actually deal with the business
- 9.5 Where you have an interest in any business of the Authority which would be declared at a meeting by virtue of paragraph 9.1 and you have made an executive decision in relation to that business you must ensure that any written statement of that decision records the existence and nature of that interest
- 9.6 In this paragraph "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000

10. Effect of Disclosable Pecuniary Interests on Participation

- 10.1 If you are present at a meeting of the Authority or of any committee, sub-committee, joint committee or joint sub-committee of the Authority and you have a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at the meeting and you are aware of that Interest:
- (a) you must not participate, or participate further, in any discussion of the matter at the meeting, or participate in any vote, or further vote, taken on the matter at the meeting, and

- (b) you must withdraw from the room or chamber where the meeting considering the business is being held unless you have received a dispensation from the Authority's proper officer
- 10.2 If you have a Disclosable Pecuniary Interest in any business of the Authority you must not:
- (a) exercise executive functions in relation to that business; and
 - (b) seek improperly to influence a decision about that business
- 10.3 If a function of the Authority may be discharged by a Member acting alone and you have a Disclosable Pecuniary Interest in any matter to be dealt with or being dealt with in the course of discharging that function you may not take any steps or any further steps in relation to the matter (except for the purpose of enable the matter to be dealt with otherwise than by yourself)

11. Effects of Disclosure of Other Pecuniary Interests on Participation

- 11.1 If you have a Pecuniary Interest other than a disclosable pecuniary interest in any business of the Authority which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and you are present at a meeting of the Authority at which such business is to be considered or is being considered your must:
- (a). disclose the existence and nature of the interest in accordance with paragraph 9.1 (but subject to paragraph 9.3)
 - (b) withdraw from the room or chamber where the meeting considering the business is being held unless you have received a dispensation from the Authority's proper officer, immediately after making your representations or in any other case when the business is under consideration.

PART 3 REGISTER OF MEMBERS INTERESTS

12. Registration of Members' Interests

12.1 Subject to paragraph 13, you must, within 28 days of—

- (a) this Code being adopted by or applied to the Authority; or
- (b) your election, re-election or appointment or re-appointment to office (where that is later), or co-opted onto the Authority (with voting rights)

register in the Authority's Register of Members' Interests (maintained by the Monitoring Officer under Section 29(1) of the Localism Act 2011) details of:

- i. Disclosable Pecuniary Interests as referred to in paragraph 6 that you, your spouse, civil partner or person with whom you live as if they were your spouse or civil partner in so far as you are aware of their interests at that time
- ii. Other Pecuniary Interests referred to in paragraph 7 that you have
by providing written notification to the Authority's Proper Officer.

12.2 Subject to paragraph 13, you must, within 28 days of becoming aware of –

- (a) any new Disclosable Pecuniary Interest as referred to in paragraph 6 that you, your spouses, civil partner or person with whom you live as if they were your spouse or civil partner, or Other Pecuniary Interest referred to in paragraph 7, or
- (b) change to any Disclosable Pecuniary Interest or Other Pecuniary Interest registered under paragraphs 12. 1 i. or ii above

register details of the new interest or change to an interest by providing written notification to the Authority's Proper Officer.

13 Sensitive Information

13.1 Where you have a Disclosable Pecuniary Interest referred to in paragraph 6 or Other Pecuniary Interest referred to in paragraph 7 and the nature of the interest is such that you and your Authority's Monitoring Officer considers that disclosure of details of the interest could lead to you or a person connected with you being subject to violence or intimidation if the interest is entered in the Authority's Register then copies of the register available for inspection and any published version of the Register should not include details of the interest but may state that you have an interest details of which are withheld under s32(2) of the Localism Act 2011 and/or this paragraph.

- 13.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 12.1 is no longer sensitive information, notify the Authority's Monitoring Officer
- 13.3 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 subject to violence or intimidation.

14. Register of Gifts and Hospitality

- 14.1 You must within 28 days of receipt, notify the Authority's Proper Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which you have accepted as a Member from any person or body other than the Authority.
- 14.2 The Proper Officer will place your notification on a public Register of Gifts and Hospitality
- 14.3 This duty to notify the Proper Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Authority for this purpose

DEALING WITH UNACCEPTABLE BEHAVIOUR BY MEMBERS OF THE PUBLIC

Examples of unacceptable behaviour are:

- i. Excessive telephone calls/e-mails which are disproportionate to the issue being raised
- ii. Persistent refusal to accept a decision made by Bowers Gifford & North Benfleet Parish Council and constantly returning to the same subject without presenting new information.
- iii. Persistent refusal to accept what services Bowers Gifford & North Benfleet Parish Council can and cannot provide.
- iv. Repeatedly changing the substance of the complaint or raising unrelated concerns
- v. Unrealistic expectations for responses, which are disproportionate to the issue being raised
- vi. Use of derogatory remarks and rudeness.

All of the above may be considered unacceptable and unreasonable if they start to impact substantially on Bowers Gifford & North Benfleet Parish Council's Officers and Members work and wellbeing, and therefore causing other Parish Council business and residents to be disadvantaged, as there is less time to deal with other matters. Whilst there are very few instances which will fit this description, these situations need to be managed as they can have an adverse effect on Staff and Members ability to carry out their duties and provide the service expected of them.

Options available for dealing with unacceptable behaviour

The options available depending upon the severity of the actions and behaviour of the resident will be:

- i. Restrict the member of public's contact with staff and Members, whilst still allowing a means to communicate with Bowers Gifford & North Benfleet Parish Council. This could be by restricting contact in person; by telephone; letter or e-mail or any combination of this. Bowers Gifford & North Benfleet Parish Council will agree a strict means of communication in order to fulfil its obligations to members of the public.
- ii. When a member of the public continues to correspond on a wide range of issues and this is considered excessive, then the Parish Clerk will inform them that only a certain number of responses will be considered in a given period and ask them to limit their contact accordingly.
- iii. Where the member of public's language, letters or emails are offensive, vexatious and unacceptable, the Parish Clerk, with the agreement of the Parish Council, will write to the individual and clearly state that their behaviour is unacceptable and they must stop, otherwise the Parish Council will not respond.

If a member of the public is unhappy with how their contact has been restricted they can make a complaint under the Parish Council's Complaint's Procedure and the matter will be dealt with through this procedure. Where a member of the public has exhausted the Parish Council's Complaints Procedure they will be advised that no further communication will be entered into unless there are new issues being raised.

The decision to deal with unacceptable behaviour of a member of the public must be reviewed annually. The Parish Clerk will diarise the date of the decision and monitor for any infringement every 3 months.

Agreed and Adopted at Parish Council Meeting on 30th September 2015