

# Nailsea Town Council

## Code of Conduct for Councillors and Co-opted Members

### Introduction

Pursuant to section 27 of the Localism Act 2011, Nailsea Town Council ('the Council') has adopted this Code of Conduct<sup>1</sup> to promote and maintain high standards of behaviour by its members (councillors) 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:

- **Selflessness:** members must serve only the public interest and must never improperly confer an advantage or disadvantage on any person, including themselves.
- **Integrity:** members must not place themselves in situations where their honesty and integrity may be questioned, must not behave improperly and must on all occasions avoid the appearance of such behaviour. They have a duty to declare any private interests relating to their public duties and must take steps to resolve any conflicts which arise in a way that protects the public interest.
- **Objectivity:** in carrying out public business members must make decisions on merit, including when making appointments, awarding contracts or recommending individuals for rewards or benefits.
- **Accountability:** members are accountable to the public for their decisions and actions and must accept whatever scrutiny is appropriate to their office.
- **Openness:** members must be as open as possible about their actions and those of their council, and must be prepared to give reasons for those actions. Information should only be restricted when it is clearly in the wider public interest.
- **Honesty:** holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

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<sup>1</sup> This Code of Conduct is based on the National Associations of Local Council's template code of conduct for parish councils (final version), L09-12, with amendments recommended by the Policy Committee of 26 September and 7 November 2012 and as approved by the Town Council on 27 February 2013.

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- **Leadership:** members must promote and support high standards of conduct when serving in their public position in a way that secures or preserves public confidence.

This Code of Conduct should be read in conjunction with the relevant sections of the Town Council's Standing Orders.

#### **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 not seek to improperly confer an advantage or disadvantage on any person.
4. He/she shall act in the interests of the Town Council and use the resources of the Council in accordance with its requirements.

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5. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.

#### ***Registration of interests***

6. 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 Appendix A.
7. 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 Appendix A.
8. A member shall register with the Monitoring Officer any change to interests or new interests in Appendix A within 28 days of becoming aware of it.
9. 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***

10. 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. This in line with Standing Orders 57, 58 and 59 relating to interests: DPI, Prejudicial and Personal.
11. 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.

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12. Where a matter arises at a meeting which relates to a financial interest that could affect the well-being of the member, the member's family or a close friend or close associate of the member or member's family, the member shall disclose the nature of the interest and withdraw from the meeting before the relevant item is considered (in line with Standing Orders 57, 58 and 59 relating to prejudicial interests). If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

#### **Dispensations**

13. On a written request made to the Council's proper officer (the Clerk), the Council may grant a member a dispensation (in line with Standing Orders 64.), to participate in a discussion and vote on a matter at a meeting even if he/she has a DPI or a prejudicial interest 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.

The Council may grant a dispensation to any member from some or all of the constraints required by a declaration of a DPI or a prejudicial interest if the Council's proceedings would, because of the knowledge, expertise or experience of the member, be enhanced by such a dispensation.

A request for a dispensation must be made in writing to the Clerk and included on the agenda of the Town Council meeting at which it is to be considered.

Dispensations request in writing may only be granted by the full Council. The duration (for a maximum of the period remaining until the next election of the full Town Council) and application of any such dispensation must be specified by the Council at the time it is granted and must be fully recorded.

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### 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 6 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.