

Whissonsett Parish Council

Code of Conduct

Introduction

A councillor is required to sign a declaration of acceptance of acceptance prior to the start of his first meeting (Local Government Act 1972). That declaration also acknowledges that the councillor will sign up to the Code of Conduct. The Local Government Act 2000 first brought out the need to complete an interest form and a Code of Conduct and this was regulated by the Standards Board for England. This Act has now been overtaken by the Localism Act 2011, which also saw the demise of the Standards Board to be replaced by local scrutiny through the District Council. It is a criminal offence to breach the Code of Conduct and to fail to declare interests.

About the Code

Local Authorities are required to adopt a Code of Conduct which sets out rules governing the behaviour of their members and satisfies the requirements of the Localism Act 2011. All elected and co-opted members are required to abide by their own, formally adopted Code. The Code of Conduct seeks to ensure that they observe the highest standards of conduct in their civic role. The Code is intended to be consistent with the seven "Nolan" principles:

Seven General Principles of Conduct

1. **Selflessness** - Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
2. **Integrity** - 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.
3. **Objectivity** - In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards or benefits, holders of public office should make choices on merit.
4. **Accountability** - Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
5. **Openness** - Holders of public office should be as open as possible about the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
6. **Honesty** - Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
7. **Leadership** - Holders of public office should promote and support these principles by leadership and by example, and should act in a way that secures or preserves public confidence.

Parish Council Members' Code of Conduct

In 2012, a Parish Council had the choice to either adopt the Code of Conduct used by the District Council or that recommended by the National Association of Local Councils.

How it works - completing an Interests Form

An interest's form must be completed within 28 days of the councillor holding office. This includes details relating to property and land in the district and work and business. These interests are known as Disclosable Pecuniary Interests (DPI). The form should also include interests relating to club membership and other local interests. The form, once signed, is given to the Clerk who then forwards a copy to Breckland Council (BC) for posting on their website. Members should then keep that interest form up to date. There is no need for a member to declare a DPI at a meeting provided it is on the Interests Form, however best practice suggests it is good to declare this interest at the start of the meeting or at a time when it might come up in discussion. Members are also required to declare interests which may not be on their Interests Forms. For example, if a planning application is under consideration and a member knows the applicant very well, then the member should declare that interest. However that member may apply for a dispensation to talk and even vote on an item, provided the member has requested that dispensation in advance of the meeting and to the Clerk. There is an item at the start of the meeting for disclosure of all interests and requests for dispensations. The Council as a Corporate Body considers any such requests.

How it works - pecuniary interests in matters considered at meetings

Section 31 of the Localism Act 2011 sets out what a member must do if he or she has (and is aware that he or she has) a Disclosable Pecuniary Interest (DPI) in a matter which is to be considered or is being considered at a meeting at which the member is present. Section 31 applies to all councillors and to the very few co-opted members of committees who are not councillors but who are allowed (by law) to vote on certain committee decisions. A DPI is an interest of **either** the member or co-opted member or the member's or co-opted member's spouse or civil partner. There are national rules relating to disclosable pecuniary interests as laid down in Chapter 7 of the Localism Act 2011 www.legislation.gov.uk. In consideration of the Nolan Principles outlined above, a member should also disclose an interest (although not a DPI) where a member of the public might consider that that member could be influenced in any decision they may make.

How it works - granting a dispensation

So, in what circumstances may a dispensation be granted to a member to remove from that member the prohibition on taking part in a discussion and or a vote on a matter in which he or she has a DPI?

Section 33 says that a relevant authority (which, for our purposes, means the parish council) may grant a dispensation relieving the member from either or both of the restrictions in section 31(4) in cases described in the dispensation. But, it may only do so in response to a written request made to the clerk by the member concerned.

In the case of a parish council, it may grant a dispensation under section 33 only if, after having had regard to all relevant circumstances, it considers that:

- without the dispensation, the number of members or co-opted members 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; or
- without the dispensation the representation of different political 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; or
- granting the dispensation is in the interests of persons living in the authority's area; or
- it is otherwise appropriate to grant a dispensation.

A dispensation granted under section 33 must specify the period for which it has effect, and that period may not exceed four years. If granted the member can take part in that decision-making process.

Note that there is no need for a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support, which is in any event a decision affecting the generality of the public in the area of your council, rather than you as an individual.

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