



Milford-on-Sea Parish Council Members' Code of Conduct

Adopted 22nd January 2018

Introduction

Pursuant to section 27 of the Localism Act 2011, Milford-on-Sea Parish Council (“the Council”) has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members 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.

If you have any doubt whether any action you propose to take may be in breach of the Code, you should seek advice from the Parish Clerk beforehand. However, please remember that responsibility for your actions remains at all times with you.

Anyone who considers you have failed to comply with this Code may make a formal complaint about you, which will be dealt with by New Forest District Council. If a complaint is upheld, this may lead to your formal censure, adverse publicity, or a recommendation to the Parish Council that you be removed from a Committee or other position.

All text in **bold** are statutory obligations that must be complied with.

This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership set out in Appendix C.

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. You shall behave in such a way that a reasonable person would regard as respectful.
2. You shall not act in a way which a reasonable person would regard as bullying or intimidatory.
3. You shall use the resources of the Council in accordance with its requirements.
4. You shall not disclose information which is confidential or where disclosure is prohibited by law.
5. You must not use, or try to use, your position improperly to obtain an advantage or disadvantage for yourself or any other person or body.
6. You must not do anything that compromises, or is likely to compromise, the impartiality of those who work for the Council.
7. You must not prevent, or try to prevent anyone obtaining information to which they are entitled.
8. You must not do anything that may cause your Council to breach any of the Equality Laws that prohibit discrimination on grounds of sex, age, race, disability, religious beliefs, sexual orientation or pregnancy.

Registration of interests

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 all interests which fall within the categories set out in Appendices A and B.

Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register any interests in Appendices A (Disclosable Pecuniary Interests) and B (Other Interests).

A member shall register any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.

A member need only declare on the public register of interests 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

Where a matter arises at a meeting which relates to an interest in Appendix A (disclosable pecuniary interest) the member shall not participate in a discussion or vote on the matter. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it.

Where a matter arises at a meeting which relates to an interest in Appendix A (disclosable pecuniary interest), 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.

Where a matter arises at a meeting which relates to an interest in Appendix B (other interests), the member shall withdraw from the meeting. He/she may speak on the matter before withdrawing only if members of the public are also allowed to speak at the meeting.

A member only has to declare his/her interest in Appendix B (other interests) if it is not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter before withdrawing. If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest, but not the nature of the interest.

Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate, the member shall disclose the nature of the interest and withdraw from the meeting. He/she may speak on the matter before withdrawing only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

Dispensations

On a written request made to the Council's proper officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he/she has an interest in Appendices A (disclosable pecuniary interest) and B (other interests) and 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.

Appendix A

DISCLOSABLE PECUNIARY INTEREST

A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

1. An employment, office trade profession or vocation carried on for profit or gain.
2. Any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred by a member in carrying out duties as a member, or towards the election expenses of a member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
3. Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) 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.
4. Any beneficial interest in land which is within the area of the Council.
5. Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.
6. Any tenancy where (to a member's knowledge) – (a) the landlord is the Council; and (b) the tenant is the body in which the relevant person has a beneficial interest.
7. Any beneficial interest in securities of a body where that body (to a member's knowledge) has a place of business or land in the area of the Council.

Appendix B

OTHER INTERESTS

[Unless they are interests prescribed by regulation for inclusion in Appendix A] any interest which relates to or is likely to affect:

- (i) Any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- (ii) Any body—
 - (a) exercising functions of a public nature.
 - (b) directed to charitable purposes.
 - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which the member of the Council is a member in a position of general control or management

Appendix C

THE SEVEN PRINCIPLES OF PUBLIC LIFE

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.

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.

OBJECTIVITY

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

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.

OPENNESS

Holders of public office should be as open as possible about all 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.

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.

LEADERSHIP

Holders of public office should promote and support these principles by leadership and example.

End.