

CANNOCK CHASE COUNCIL

PARISH COUNCILS STANDARDS SUB-COMMITTEE

20 AUGUST 2007

REPORT OF DIRECTOR OF GOVERNANCE AND MONITORING OFFICER

CODE OF CONDUCT FOR PARISH COUNCILLORS 2007

1. Purpose of Report

- 1.1 To consider the revised Code of Conduct for Members of Parish Councils.

2. Recommendation

- 2.1 That the Sub-Committee notes the provisions of the amended Code of Conduct for Members (2007) as they apply to Parishes.
- 2.2 That representatives of the Parish Councils be requested to advise their respective Clerks and Members of the new changes in the Code and to encourage attendance at planned training sessions.

3. Background

- 3.1 On 2 April 2007 the Government published a revised Model Code for Conduct for Councillors (2007) Code. The Code came into force on 3 May 2007 with every Local Authority being required to adopt the Code within six months of the date on which it was made i.e. on or before 1 October 2007. If the Code is not adopted by individual Authorities by that date it will apply as a matter of law. Annex 1 includes a copy of the Code of Conduct for Parish Councils 2007 and Annex 2 is a copy of the suggested Declarations of Interest Forms to be used by Parish Councillors.
- 3.2 Members of Parish Councils will not need to make a new Declaration of Acceptance of Office when the 2007 Code is adopted. The Model Code (attached to this report) includes the mandatory provisions and no further changes can be made which diminish the provisions of the Model.
- 3.3 The Parish Councils' Standards Sub-Committee has previously been involved during the consultation process for a new Code, and will note some key changes in the 2007 Code as compared to the existing one.
- 3.4 Where Parish Councils intend to adopt the Code prior to 1 October 2007, assistance can be provided by the Monitoring Officer in terms of drafting reports and suggested resolutions. In any event, Parish Clerks and Parish Council Members are encouraged to attend the training sessions arranged for Parishes details of which have now been circulated to all Clerks.
- 3.5 To provide on-going support to Parish Clerks, it is intended that a quarterly meeting to be held of Parish Clerks with the District Council's Monitoring Officer to discuss any concerns or issues Parish Clerks may have in relation to Parish matters and to ensure that there is an effective dialogue between all parties.

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Section 1

Background

Please see report.

Section 2

Details of Matters to be Considered

Please see report.

Section 3

Contributions to CHASE

None arising.

Section 4

Section 17 Implications

None arising.

Section 5

Human Rights Act Implications

There are no Human Rights Act implications arising from this report.

Section 6

Data Protection Act Implications

There are no identified implications in respect of the Data Protection Act arising from this report.

Section 7

Risk Management Implications

None arising.

Section 8

Legal Implications

None arising.

Section 9

Financial Implications

None arising.

Section 10

Human Resource Implications

None arising.

Section 11

Conclusions

Please see report.

Background Papers

Annexes

Annex 1: Code

Annex 2: Declaration of Interest Form

THE CODE OF CONDUCT
FOR (XXX) PARISH/TOWN COUNCILS

Part 1

General provisions

Introduction and interpretation

1.—(1) This Code applies to you as a member of an authority.

(2) You should read this Code together with the general principles prescribed by the Secretary of State (see Annexure to this Code).

(3) It is your responsibility to comply with the provisions of this Code.

(4) In this Code—

“meeting” means any meeting of—

(a) the authority;

(b) any of the authority’s committees or sub-committees, joint committees or joint sub-committees;

“member” includes a co-opted member and an appointed member.

(5) References to an authority’s monitoring officer and an authority’s standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the Cannock Chase district council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2.—(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—

(a) conduct the business of your authority (which, in this Code, includes 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 your authority,

and references to your official capacity are construed accordingly.

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your 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 your authority’s code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

- 3.—(1) You must treat others with respect.**
- (2) 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(1));**
 - (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 his or her authority’s code of conduct; or**
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.**
- 4. 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. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.**
- 6. You—**
- (a) 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; and**
 - (b) must, when using or authorising the use by others of the resources of your authority—**
 - (i) act in accordance with your authority’s reasonable requirements; and**
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes).**
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.**

(1) 2006 c.3.

Part 2

Interests

Personal interests

7.—(1) You have a personal interest in any business of your authority where either—

- (a) it relates to or is likely to affect—**
 - (i) 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 your authority;**
 - (ii) any body—**
 - (aa) exercising functions of a public nature;**
 - (bb) directed to charitable purposes; or**
 - (cc) 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;**
 - (iii) any employment or business carried on by you;**
 - (iv) any person or body who employs or has appointed you;**
 - (v) 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;**
 - (vi) any person or body who has a place of business or land in your authority'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);**
 - (vii) any contract for goods, services or works made between your 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 specified in paragraph (vi);**
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;**
 - (ix) any land in your authority's area in which you have a beneficial interest;**
 - (x) any land where the landlord is your authority 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 (vi) is, the tenant;**
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or**
- (b) 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—**
 - (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 your authority's area.**

(2) In sub-paragraph (1)(b), a relevant person is—

- (a) a member of your family or any person with whom you have a close association; or
- (b) 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;
- (c) 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
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

8.—(1) Subject to sub-paragraphs (2) to (5), where you have a personal interest in any business of your authority and you attend a meeting of your authority 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 when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 7(1)(a)(i) or 7(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 7(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 12, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

Prejudicial interest generally

9.—(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one 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.

(2) You do not have a prejudicial interest in any business of the authority where that business—

- (a) does not affect your financial position or the financial position of a person or body described in paragraph 7;
- (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
- (c) relates to the functions of your authority in respect of—
 - (i) this sub-paragraph does not apply to your authority;
 - (ii) this sub-paragraph does not apply to your authority;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and

- (vi) **setting council tax or a precept under the Local Government Finance Act 1992.**

Effect of prejudicial interests on participation

10.—(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—

- (a) **you must withdraw from the room or chamber where a meeting considering the business is being held—**
 - (i) **in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;**
 - (ii) **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; and

- (b) **you must not seek improperly to influence a decision about that business.**

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided 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 Members’ Interests

Registration of members’ interests

11.—(1) Subject to paragraph 12, you must, within 28 days of—

- (a) **this Code being adopted by or applied to your authority; or**
- (b) **your election or appointment to office (where that is later),**

register in your authority’s register of members’ interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 7(1)(a), by providing written notification to your authority’s monitoring officer.

(2) Subject to paragraph 12, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority’s monitoring officer.

Sensitive information

12.—(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority’s monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 11.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority’s monitoring officer asking that the information be included in your authority’s register of members’ interests.

(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 subjected to violence or intimidation.

Annexure - The Ten General Principles

The general principles governing your conduct under the Relevant Authorities (General Principles) Order 2001 are set out below:

Selflessness

- 1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.**

Honesty and Integrity

- 2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.**

Objectivity

- 3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.**

Accountability

- 4. 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.**

Openness

- 5. 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.**

Personal Judgement

- 6. 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.**

Respect for Others

- 7. 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.**

Duty to Uphold the Law

- 8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.**

Stewardship

- 9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.**

Leadership

- 10. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.**

LOCAL GOVERNMENT ACT 2000

THE LOCAL AUTHORITIES (MODEL CODE OF CONDUCT) ORDER 2007

REGISTER OF MEMBERS' INTERESTS – PARISH COUNCILS

NAME OF Parish/Town Council

Councillor.....

Name of Member:

Address.....

.....

Contact Telephone Number.....

Guidance is given below on the specific paragraphs and information required in the statutory Register of Members' Interests form.

PERSONAL INTERESTS

In accordance with the Local Government Act 2000 I hereby provide written notification to Cannock Chase District Council's Monitoring Officer of any personal interest in any business of the parish council where either it relates to or is likely to affect:

- (a) any body of which I am a member or in a position of general control or management and to which I have been appointed or nominated by the authority:

(You should declare membership of, a position of general control or management in, any bodies to which you have been appointed by the Parish Council. This will not include Committees which are part of the Parish Council. You must however include any company directorship or other representation if you have been appointed or nominated by the Parish Council as its representative on such company.)

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- (b) Any body exercising functions of a public nature of which I am a member or in a position of general control or management:

(It will be necessary for you to include your membership or position of general control of such organisations as (inter alia) health authorities, police authorities, housing associations, statutory undertakers, magistrates, Standards Board for England, District Council County Council, and other Parish Council(s)).

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(c) Any body directed to charitable purposes of which I am a member or in a position of general control or management:

(Membership of or position of general control or management of any industrial and provident society, charity or body directed to charitable purposes need to be inserted here. These bodies are those on which you serve in your own capacity as opposed to being appointed or nominated by the Parish Council as its representative. The latter needs to be included within paragraph(a) as indicated earlier. Equally, charitable purposes includes educational establishments and, as such, school governorships need to be declared.)

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d) Any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which I am a member or in a position of general control or management:

(You should mention here membership of any relevant political parties and other relevant public opinion or policy/pressure groups.)

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(e) Employment and/or business details carried on by me:

(You should include under this heading every employment, trade, profession, occupation or vocation which you have to declare for income tax purposes, i.e. that is carried on for profit or gain.

Give a short description of the activity concerned, e.g. "Computer Operator", "Farmer" or "Accountant". For these purposes being a Councillor need not be declared as an occupation).

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(f) Any person or body who employs or has appointed me:

(You should include under this heading the name of any individual, company, partnership, public body etc. who employs you or who has appointed you. If employed by a company, give the name of the company paying your wages or salary, not that of any ultimate holding company.)

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(g) Any person or body (other than the relevant authority) who has made a payment to me in respect of my election or any expenses incurred by me in carrying out my duties:

(You should include under this heading any names of any person or political parties who have made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties, e.g. a member is expected to register the name of any person, or political party, who helped to fund his/her election campaign. There is however no need to register the payment of legitimate expenses by the Parish Council.)

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(h) Any person or body which has a place of business or land in the authority's area, and in which I 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 of that body (whichever is the lower):

(Give the names of any companies, industrial and provident societies, co-operative societies or other corporate bodies which have any business or land in your Parish Council area and in which your

beneficial interest exceeds £25,000 or 1/100th of the total issued share capital. The key point is that the nominal value of the shares is taken into account, not the market value of such shares. Classes of securities include shares, bonds and future/options dealing. The nominal value of shares is the face value of those shares (i.e. the value recorded on the share certificate).

The registration of any ISAs or pensions which you have is not necessary unless, given the above criteria, you know the companies in which your ISA or pension fund was invested and that:

- ❖ Those companies have a place of business or land in you Parish Council's area; and
- ❖ Your beneficial interest in the investment was greater than the levels indicated above

You are only required to register interests which are known to you. The Code does not require you to investigate the investment portfolio of and ISA or pension scheme to which you may belong.)

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(i) Any contract for goods, services or works made between the authority and myself or a firm in which I am a partner, a company of which I am a remunerated director, or a body of the description specified in paragraph (h) above:

(You should include under this heading all relevant contracts entered into with your Parish Council. If you have been awarded a contract but no financial agreement has, as yet, been signed, it is good practice to declare the same and to advise the Monitoring Officer of any amendment to the Register as and when the contract has been formally signed. Equally, if the contract is terminated (for whatever reason) or comes to an end, the member should notify the Monitoring Officer in writing of the change to the Register within 28 days of such event.)

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(j) The receipt of any gift or hospitality with an estimated value of at least £25:

(You should include the name and address of the person or organisation offering/providing the gift or hospitality, the date of offer/receipt, the estimated value and details of the gift or hospitality)

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(k) Any land in which I have a beneficial interest and which is in the area of the authority:

(If you live within your Parish Council area, your home property address should be included under this heading. Beneficial interest includes a mortgage interest in a property, including a tenanted interest, whether as a landlord or tenant. All relevant interests in the Parish Council area must also be declared in addition to your home address.)

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(l) Any land where the landlord is the authority and the tenant is a firm in which I am a partner, a company of which I am a remunerated director, or a body of the description specified in sub-paragraph (h) above:

(You will need to include details of any tenanted land that you hold from the Parish Council. You may hold such land in your personal capacity or as a partner of a firm, a company of which you are a remunerated director or of any other legal body. Sufficient details of any such land need to be given to identify the same.)

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(m) Any land in the authority's area in which I have a licence (alone or jointly with others) to occupy for 28 days or longer:

(You will need to include details of any licence to occupy land or premises in the Parish Council's area for 28 days or longer. Temporary occupations of less than 28 days do not, therefore, need to be declared on the form. It is also important to recognise that the occupation by you may be in joint or several names.)

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NOTES ON SENSITIVE INFORMATION

1. Where you consider that the information relating to any of your personal interests is sensitive information, and the Monitoring Officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest.
2. You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 1 above is no longer sensitive information, notify the Monitoring Officer, asking that the information be included in your Authority’s Register of Members Interests.
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 subjected to violence or intimidation.

I hereby declare that the information given by me in this declaration is true and correct.

I hereby undertake in accordance with the Local Authorities (Model Code of Conduct) Order 2007 to notify the Monitoring Officer at Cannock Chase District Council of any change to the interests specified above within 28 days. I will make the notification in writing to the Monitoring Officer

Signed..... Dated.....

Please return this form within 28 days to:

Philip Lloyd-Williams, Director of Governance, Cannock Chase District Council, Beecroft Road, Cannock, Staffordshire, WS11 1BG