

Caldbeck Parish Council: Code of Conduct

Parish Councils in Allerdale Borough Council are expected to follow the Code of Conduct. Rather than amend the Allerdale Borough Code to reflect Caldbeck Parish Council's specific circumstances, the Code is published in full. In addition a one page Annex sets out a protocol for effective working between Parish Councillors and the Clerk.

1.1 Allerdale Borough Council ("The Authority") has adopted the following code dealing with the conduct that is expected of members and co-opted members of the Authority ("Members") when they are acting in that capacity as required by section 27 of the Localism Act 2011 ("the Act").

1.2 The Authority has a statutory duty under the Act to promote and maintain high standards of conduct by Members and the Code sets out the standards that the Authority expects Members to observe.

1.3 The Code is not intended to be an exhaustive list of all the obligations that are placed on Members. It is the responsibility of individual Members to comply with the provisions of the Code as well as such other legal obligations as may apply to them from time to time. Failure to do so may result in a sanction being applied by the Authority. Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and a fine of up to £5,000 and/or disqualification from office for a period of up to 5 years.

1.4 The code is intended to be consistent with the seven principles as attached to this code and applies whenever a person is acting in his/her capacity as a Member of the Authority or co-opted member in the conduct of the Authority's business or acting as a representative of the Authority. (These principles were amended in February 2013, in accordance with the Committee on Standards in Public Life)

1.5 When acting in your capacity as a Member

1.5.1 You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend, a close associate, an employer or a business carried on by you.

1.5.2 You must not place yourself under a financial or other obligation to outside individuals or organisations that may influence you in the performance of your official duties.

1.5.3 You must not disclose any information given to you as a Member in breach of any confidence.

1.5.4 You must not bring your office or your Authority into disrepute.

1.5.5. You must treat others with respect and promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their sex, race, age, religion, gender, sexual orientation or disability. You should respect the impartiality and integrity of the authority's statutory officers and its other employees.

1.5.6 When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits on merit.

1.5.7 You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

1.5.8. You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.

1.5.9 You must declare any private interests, both disclosable pecuniary interests and any other registrable interests, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner which conforms with the procedures set out below.

1.5.10 You must ensure, when using or authorising the use by others of the resources of your authority, that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

1.5.11 You must promote and support high standards of conduct when serving in your office.

2 Registering and declaring disclosable pecuniary and other registrable interests

2.1 You must, within 28 days of taking office as a member or co-opted member, notify your authority's Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners. These interests and those at 2.2 below are shown attached to this code.

2.2 in addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's Monitoring Officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.

2.3 If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest' as described by the Localism Act 2011.

2.4 Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.

2.5 Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your authority.

3 Seven General Principles of Conduct

As updated by the Committee on Standards in Public Life – January 2013

The principles of public life apply to anyone who works as a public office holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPB's, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

Selflessness

3.1 Holders of public office should act solely in terms of the public interest.

Integrity

3.2 Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefit for themselves, their family or their friends. They must declare and resolve any interests and relationships.

Objectivity

3.3 Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination and bias.

Accountability

3.4 Holders of public office are accountable for their decisions and actions to the public and must submit themselves to the scrutiny necessary to ensure this.

Openness

3.5 Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.

Honesty

3.6 Holders of public office should be truthful.

Leadership

3.7 Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour when it occurs.

4 Disclosable Pecuniary and Other Registrable Interests (as defined by regulations)

4.1 Details of any employment, office, trade, profession or vocation carried on for profit or gain.

4.2 Details of any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. (This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

4.3 Details of any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority –

4.3.1 under which goods or services are to be provided or works are to be executed; and

4.3.2 which has not been fully discharged.

4.4 Details of any beneficial interest in land which is within the area of the relevant authority.

4.5 Details of any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

4.6 Details of any tenancy where (to M's knowledge) –

4.6.1 The landlord is the relevant authority; and

4.6.2 The tenant is a body in which the relevant person has a beneficial interest.

4.7 Details of any beneficial interest in securities of a body where

4.7.1 That body (to M's knowledge) has a place of business or land in the area of the relevant authority; and

4.7.2 Either –

4.7.2.1 The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

4.7.2.2 If that 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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

4.8 Other registrable interests are what the Council has determined should be entered into the authority's register of interests.

4.9 Details of 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 to by the Borough Council.

4.10 Details of any body of which you are a member, or in a position of general control or management, and which –

4.10.1 Exercises functions of a public nature;

4.10.2 Is directed towards charitable purposes; or

4.10.3 Is a body which includes as one of its principle purposes influencing public opinion or policy (this includes political parties or trade unions).

4.11 Details of any persons from whom you have received a gift or hospitality with an estimated value of at least £50. (You must register any gifts or hospitality worth £50 or over that you receive personally in connection with your official duties).

5 Protocol for relations between Councillors and the Clerk

Principles

5.1 This protocol sets out the way in which Parish Councillors and the Clerk should behave towards one another.

5.2 Parish Councillors and the Clerk should work in an atmosphere of mutual trust and respect, with neither party seeking to take unfair advantage of their position.

Parish Councillors' and the Clerk's roles

5.3 Parish Councillors have a number of different roles, including the roles of Chairman, Vice Chairman and participating in working groups which may have a Chairman.

5.4 The Clerk is employed by the Council and is accountable to it. The Clerk must at all times be independent, objective and professional. The Clerk must:

5.4.1 Advise Councillors on whether decisions are lawful and how decisions can be implemented;

5.4.2 Research topics of concern and provide objective analysis for Councillors to make decisions;

5.4.3 Be accountable to the full Parish Council and not the Chairman or an individual Councillor;

5.4.4 Be objective in responding to all Councillors and not favouring one Councillor over another.

5.5 It is important that there should be a close professional working relationship between the Chairman, Vice Chairman, working groups and the Clerk. Such relationships should not be allowed to bring into question the Clerk's ability to work impartially with all Councillors.

5.6 The Clerk will consult the Chairman and Vice Chairman on the preparation of agendas and reports and circulate draft agendas to all Councillors for comment and opportunity to add items. The Clerk is responsible for the agenda and reports submitted.

5.7 The Chairman and Vice Chairman are elected by all Councillors and have legitimacy in their roles. Where authority is delegated, the Clerk will consult the Chairman and others about the action proposed to be taken but the responsibility for the final decision remains with the Clerk who is accountable for it.

5.8 The Clerk will support the Chairman and/or the Vice Chairman, meeting before a Parish Council meeting to discuss the agenda if required.

Communications

5.9 Communications between an individual councillor and the Clerk should normally not be copied by the Clerk to any other councillor. Where it is necessary to copy the communications to others, this should be made clear to the original councillor.

Appointments

5.10 Councillors involved in the appointment of the Clerk must act fairly and openly and judge candidates solely on merit.

Public comment

5.11 Councillors should not raise matters relating adversely to the conduct or capability of the Clerk in public. The Clerk must accord to councillors the respect and courtesy due to them in their various roles.

Reviewed and adopted by the Parish Council by email consensus in March 2020 and the intention is to submit the paper for approval at the next meeting.