

# CODE OF CONDUCT FOR COUNCILLORS & DISCLOSABLE INTERESTS

Members of Clowne Parish Council (hereafter referred to as the 'Council') are the elected representatives (hereafter referred to as 'Councillors') of the people within the Parish of Clowne, Derbyshire and they take decisions on their behalf.

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, and unless otherwise expressed, a reference to a member of the Council or Councillor includes a co-opted member of the Council.

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.

The purpose of this code of conduct is to set out the standards of conduct expected of Councillors when carrying out their duties and to demonstrate to the public the standards of conduct they can expect from their elected representatives.

This code applies to Councillors whenever they are carrying out their official duties as an elected representative of the Council. Although, in line with the Localism Act 2011, this code only applies to Councillors when they are carrying out their official duties nevertheless the Council expects its Councillors to uphold high standards of conduct at all times in order to uphold the reputation of the Council and the office to which they have been elected.

All holders of public office must uphold the seven principles of public life (also known as the 'Nolan Principles'); these principles underpin and inform the Council's code of conduct.

The seven principles are:

- ✓ **Selflessness** – Holders of public office should act solely in terms of the public interest.
- ✓ **Integrity** – 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 to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
- ✓ **Objectivity** – Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- ✓ **Accountability** – Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

- ✓ **Openness** – 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 so doing.
- ✓ **Honesty** – Holders of public office should be truthful.
- ✓ **Leadership** – 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 wherever it occurs.

## 1.0 The Code of Conduct

### 1.1 Behaviour

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:

- They shall behave in such a way that a reasonable person would regard as respectful.
- They shall not act in a way which a reasonable person would regard as bullying or intimidatory.
- They shall not behave in a manner which a reasonable person would regard as likely to bring the Council, or their office as a member of the Council, into disrepute.
- They shall use the resources of the Council in accordance with its requirements.
- They shall not use their position as a Councillor for personal financial gain.
- They shall not place themselves under any financial obligation to any person or organisation who might attempt to influence them.
- They shall not use their position as a Councillor improperly to confer an advantage or disadvantage on yourself or any other person.
- They shall not disclose information which is confidential or where disclosure is prohibited by law.

### 1.2 Promotion and Maintenance of Standards

A member shall familiarise him/herself with the Council's Code of Conduct and any other policies or standing orders of the Council which relate to members' conduct support the Council in the promotion of high standards, and in ensuring access by the public to the Council's records regarding the registration and declarations of members' interests.

### 1.3 Registration of interests

Within 28 days of this Code being adopted by the Council or the election or appointment to office (where that is later) of a Councillor they must register with the Monitoring Officer at Bolsover District Council (as Principal Authority) the interests which fall within the categories set out in the Disclosable Pecuniary Interests and Other Registerable Interests which are attached at Appendix A herein.

Throughout your term of office you must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest in Appendix A or B, or of any change to a registered interest, you must notify the Monitoring Officer.

A Councillor need only register 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.

If a Council function can be discharged by the member acting alone, and they are aware that they have a Disclosable Interest then they shall not deal with that matter except to enable the matter to be dealt with by someone else.

### **1.3.1 Disclosable Pecuniary Interests**

Where a matter arises at a Council meeting which relates to an interest in Appendix A section 1, Councillors must declare the interest at the meeting, not participate in any discussion or vote on the matter and must not remain in the room unless granted a dispensation by the Council.

If it is a 'sensitive interest', you do not have to declare the nature of the interest.

### **1.3.2 Other registerable interests**

Where a matter arises at a meeting which relates to an interest in Appendix A section 2, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but must not take part in any vote on the matter unless you have been granted a dispensation by the Council.

If it is a 'sensitive interest', you do not have to declare the nature of the interest.

### **1.3.3 Non-registerable interests**

Where a matter arises at a meeting which relates to your financial interest (and is not a Disclosable Pecuniary Interest) or a financial interest of a relative or close associate, you must disclose the interest and not vote on the matter unless granted a dispensation. You may speak on the matter only if members of the public are also allowed to speak at the meeting.

If it is a 'sensitive interest', you do not have to declare the nature of the interest.

Where a matter arises at a meeting which affects your own financial interest or a financial interest of a friend, relative, close associate or body covered by Appendix A you must disclose the interest.

Where the matter affects the financial interest to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest you must not vote on the matter unless granted a dispensation. You may speak on the matter only if members of the public are also allowed to speak at the meeting.

If it is a 'sensitive interest', you do not have to declare the nature of the interest.

## 1.4 Related documents

The following documents also provide guidance on the standards of conduct expected of Councillors and can assist in the interpretation of this code of conduct.

- Council Standing Orders.
- Council Financial Regulations.
- The Rules of Procedure that set out the arrangements for dealing with an alleged breach of this code.
- The Council's Social Media Guidance sets out appropriate behaviour when undertaking Council business through social media.
- The Council's guidance relating to gifts and hospitality helps Councillors to decide whether to accept a gift or hospitality and when to declare it in the register.

## 1.5 Register of Pecuniary and None Pecuniary Interests

### Appendix A Section 1

Interests described as follows:

#### *Subject Description*

##### Employment, office, trade, profession or vocation

Any employment, office, trade, profession or vocation carried on for profit or gain.

##### Sponsorship

Any payment or provision of any other financial benefit (other than from the Council) made to the Councillor during the previous 12 month period for expenses incurred by him/her in carrying out his/her duties as a Councillor, 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 Councillor or his/her spouse or civil partner or the person with whom the Councillor 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 and Property

Any beneficial interest in land 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 Councillor or his/her spouse or civil partner or the person with whom the Councillor 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) to occupy land in the area of the Council for a month or longer.

## Corporate Tenancies

Any tenancy where (to the Councillor's knowledge)—

- (a) the landlord is the Council; and
- (b) the tenant is a body that the Councillor, or his/her spouse or civil partner or the person with whom the Councillor 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 in securities\* of a body where—

- (a) that body (to the Councillor'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 Councillor, or his/her spouse or civil partner or the person with whom the Councillor 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.*

## **Appendix A— Section 2**

(i) Any body of which the Councillor is in a position of general control or management and to which they are appointed or nominated by the Council;

(ii) Any body—

- (a) exercising functions of a public nature;
- (b) directed to charitable purposes; or
- (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which the Councillor is a member or in a position of general control or management;
- (iii) Any gifts or hospitality worth more than an estimated value of £30 which the Councillor has received by virtue of his or her office.

## APPENDIX A

Entry Number: -

### Clowne Parish Council Members' and Co-opted Members' Disclosable Pecuniary and Other Interests

Councillor's Full Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Council: Clowne Parish Council (hereafter referred to as the "Council")

**Note:** Throughout this document the "authority or authority's area" refers to the whole of the area covered by the Council rather than the ward the Member represents.

#### Declaration:

I, [please state full name]....., give notice that I have set out my interests below at Section 1 & Section 2 herein the appropriate areas, and have put 'NONE' where I have no such interest in any area.

#### **I understand and acknowledge the following:-**

1. I must complete, sign and return this notice within 28 days of the Council's Code of Conduct being adopted or within 28 days of my election or appointment to office. I also understand that I must register my disclosable pecuniary interests and Local Choice disclosable non-pecuniary interests by providing written notification to the Monitoring Officer at Bolsover District Council of the details required as set out in this form.
2. If my circumstances change I must, within 28 days of becoming aware of any changes to the interests specified herein, provide written notification to the Monitoring Officer of that change. I understand that I should do this by making the necessary amendments to this form as soon as possible.
3. This form contains disclosable pecuniary interests as prescribed by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

4. Disclosable pecuniary interests include not only my interests but also the interests of my spouse or civil partner, a person with whom I am living as husband or wife or a person with whom I am living as if they were a civil partner, so far as I am aware of the interests of that person.
5. The Localism Act 2011 created specific criminal offences in relation to the disclosure of pecuniary interests (Part 1 of this form).

I understand it is a criminal offence to:

- i. to fail to register a Disclosable Pecuniary Interest (DPI) I am aware of within 28 days of my election or re-election;
  - ii. to take part in the debate or vote at any meeting where I have a registered or unregistered DPI;
  - iii. to fail to declare at a meeting and/or to take part in the debate or vote, if I am aware I have a DPI which is not yet registered or notified to the Monitoring Officer;
  - iv. if I have declared an unregistered DPI at a meeting, to fail to register that within 28 days of that declaration;
  - v. to provide false or misleading information in relation to any registration or to be reckless as to its accuracy;
  - vi. to take any steps or further action on a matter in which I have a DPI other than referring it elsewhere; in each case without reasonable excuse, and I recognise any such failure is a direct contravention of the Localism Act 2011 and a criminal offence; and may be investigated by the police and referred to the Director of Public Prosecutions. I understand that **upon conviction a Member or co-optee may be fined up to a maximum of £5,000.**
6. If I feel I have an interest which, if disclosed on a public register, could lead to me or a person connected to me being subject to violence or intimidation, then I must disclose this as a sensitive interest to the Monitoring Officer and need not declare it on this form.
  7. I must, within 28 days of receiving any gift or hospitality in my capacity as a Member, with an estimated value of at least £30, provide written notification of that interest, including details of the person(s) from whom it was received. I understand that I should do this by completing the 'Registration of gifts and hospitality' form and return it to :

The Monitoring Officer  
Bolsover District Council  
The Arc, High Street  
Clowne  
S43 4JY

## Section 1

### 1. Disclosable Pecuniary Interests

Please answer all parts of this form.

You must enter information in every box.

If you do not have an interest in a particular question please put "None".

All of your interests must be properly recorded in the appropriate areas.

Please provide details of :

| Disclosable Pecuniary Interests   | You | Your spouse or civil partner, a person with whom you are living with as husband or wife, or a person with whom you are living as if they were a civil partner |
|---|-----|---|
| a) <u>Employment, office, trade, profession or vocation</u><br>Any employment, office, trade, profession or vocation carried on for profit or gain.   |     |   |
| b) <u>Sponsorship</u><br>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 you in carrying out duties as a member, or towards your election expenses.<br><br>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. |     |   |



|  |  |  |
|--|--|--|
| <p>c) <u>Contracts</u></p> <p>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:</p> <ul style="list-style-type: none"> <li>i. under which goods or services are to be provided or works are to be executed; and</li> <li>ii. which has not been fully discharged.</li> </ul> |  |  |
| <p>d) <u>Land</u></p> <p>Any beneficial interest in land which is within the area of the relevant authority.</p>   |  |  |
| <p>e) <u>Licences</u></p> <p>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</p>  |  |  |
| <p>f) <u>Corporate tenancies</u></p> <p>Any tenancy where (to your knowledge):</p> <ul style="list-style-type: none"> <li>i. the landlord is the relevant authority; and</li> <li>ii. the tenant is a body in which the relevant person has a beneficial interest.</li> </ul>  |  |  |

g) Securities

Any beneficial interest in securities of a body where—

i. that body (to your knowledge) has a place of business or land in the area of the relevant authority; and

ii. either—

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

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

## Section 2

### Other Interests under the Code of Conduct.

Please answer all parts of this form. You must enter information in every box. If you do not have an interest in a particular question please put "None".

All of your interests must be properly recorded in the appropriate areas.

Please provide details of:-

a) 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

b) Any Body of which you are a member or in a position of general control or management.  
(1.) exercising functions of a public nature:

(2.) directed to charitable purposes; or

(3.) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

**I recognise that I have a legal duty to complete this form and that I must not:**

1. Omit any information ought to be given in this notice;
2. Provide information that is materially false or misleading;
3. Fail to update this information as my circumstances change.

|                                |                       |
|--------------------------------|-----------------------|
| Full Name                      |                       |
| Member's Signature             |                       |
| Council                        | Clowne Parish Council |
| Date Signed                    |                       |
| Monitoring Officer's Signature |                       |
| Date Received                  |                       |

