

### 3. CODE OF CONDUCT AND DISPENSATIONS

- a. All councillors shall observe the code of conduct adopted by the Council.
- b. Unless he/she has been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which he/she has a disclosable pecuniary interest. He/she may return to the meeting after it has considered the matter in which he/she had the interest.
- c. Unless he/she has been granted dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which he/she has another interest if so required by the council's code of conduct. He/she may return to the meeting after it has considered the matter in which he/she had the interest.
- d. **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e. A decision as to whether to grant a dispensation shall be made by the Proper Officer.
- f. A dispensation request shall confirm;
  - i the description of the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - iii the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - iv an explanation as to why the dispensation is sought.
- g. Subject to standing orders 7(d) and (f) above, dispensation requests shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
- h. **A dispensation may be granted in accordance with standing order 7(e) above if having regard to all relevant circumstances the following applies:**
  - i **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
  - ii **granting the dispensation is in the interests of persons living in the council's area or**
  - iii **it is otherwise appropriate to grant a dispensation.**

#### 1. Introduction and interpretation

- 1.1 **This code applies to all elected or co-opted Members of Cold Ashby Parish Council**
- 1.2 **It is the responsibility of each Member to comply with the provisions of this Code, for which they will give a written undertaking.**
- 1.3 **In this Code -**
  - “meeting” means any meeting of**
  - The Council or**
  - any of its committees, sub-committees, working groups.**

**“relevant authority” has the meaning given to it in Section 27(6) of the Localism Act 2011.**

**2. Scope**

- 2.1 A Member must comply with this Code whenever they act, claim to act or give the impression they are acting in their official capacity as a Member of the Council.**
- 2.2 Where a Member acts as a representative of the Council -**
  - (a) On another relevant authority, they must, when acting for that other authority, comply with that other authority’s code of conduct; or**
  - (b) On any other body, they must, when acting for that other body, comply with the Council’s code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.**

**3. General Obligations**

- 3.1 A member must treat others with respect.**
- 3.2 A member must not –**
  - (a) Bully any person;**
  - (b) 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.**
  - (c) Do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the Council.**
- 3.3 A Member must not –**
  - (a) Disclose information given to them in confidence by anyone, or information acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, except where –**
    - (i) they have the consent of a person authorised to give it;**
    - (ii) they 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 Council; or**
  - (b) Prevent another person from gaining access to information to which that person is entitled by law.**
- 3.4 A Member must not conduct themselves in a manner which could reasonably be regarded as bringing their office of the Council into disrepute.**
- 3.5 A Member –**

- (a) Must not use or attempt to use their position as a member improperly to confer on or secure for themselves or any other person, an advantage or disadvantage; and
- (b) Must, when using or authorising the use by others of the resources of the Council –
  - (i) act in accordance with the Council's reasonable requirements;
  - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) Must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

**4. Disclosable Pecuniary Interests**

**4.1 A Member will have a pecuniary interest in any business of the Council if it is of a description specified in the second column of the Schedule as issued by the Secretary of State and either –**

- (a) It is an interest of yours, or
- (b) It is an interest of –
  - (i) your spouse or civil partner;
  - (ii) a person with whom you are living as husband and wife, or
  - (iii) a person with whom you are living as if you were civil partners and you are aware that that other person has the interest.

**5. Non-Pecuniary Interests**

**5.1 A Member will have a non-pecuniary interest in any business of the Council where either it relates to –**

- (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 –
  - (i) exercising functions of a public nature;
  - (ii) directed to charitable purposes; or
  - (iii) 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;
- (c) The interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25.

**6. Registration of interests**

**6.1 Subject to paragraph 8 (sensitive interests), a Member must, within 28 days of**

- (a) This Code being adopted by the Council; or
- (b) Their election or appointment to office (where that is later), notify Daventry District Council's Monitoring Officer in writing of any disclosable pecuniary interests and/or non-pecuniary interests at that time for entry into a register.

**6.2 Subject to paragraph 8 (sensitive interests) a Member must, within 28 days of becoming aware of any new interest or change to any**

interest, notify Daventry District Council's Monitoring Officer in writing of that new interest or change.

**7. Disclosable interest in matters considered at a meeting or by a single Member**

**7.1** Subject to paragraph 8 (sensitive information) where the Member has, and is aware that they have, a disclosable pecuniary interest in any business of the Council, and they attend a meeting of the Council at which the business is to be considered, or is being considered;

(a) The Member must disclose to the meeting the fact that they have a disclosable pecuniary interest in that matter. If they have not already done so, they must notify the Daventry District Council's Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure, and

(b) Whether the interest is registered or not, they must not – unless they have obtained a dispensation from the Clerk to the Council

(i) participate, or participate further, in any discussion of the matter at the meeting, apart from making representations, giving evidence or answering questions in accordance with other procedure rules, prior to the commencement of the debate on that matter; or

(ii) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting.

**7.2** Non-pecuniary interests do not need to be disclosed at meetings.

**7.3** If a Member is empowered to discharge functions of the Council acting alone, and have and are aware that they have a disclosable pecuniary interest in any matter dealt with, or being dealt with, by the Member in the course of discharging that function, they must not take any steps, or any further steps, in relation to the matter (except for the purposes of enabling the matter to be dealt with otherwise than by them).

**8. Sensitive interests**

**8.1** Where a Member considers (and where the Daventry District Council's Monitoring Officer agrees) that disclosure of the details of a registered interest could lead to harm or intimidation of the Member or a person connected with the Member, such details will be excluded from public versions of the register. In addition, such details will not need to be disclosed to a meeting, or when a Member is empowered to act alone, although the fact that the Member has a sensitive interest must be disclosed (in accordance with section 7).

**Schedule – Regulation 2**

<b>Subject</b>	<b>Prescribed description</b>
<b>Employment, office, trade, profession or vocation</b>	<b>Any employment, office, trade, profession or vocation carried on for profit or gain</b>

<b>Sponsorship</b>	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 a member in carrying out duties as a member, or towards the election expenses of a member. This includes any payment from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 (a)
<b>Contracts</b>	Any contract which is made between the relevant person (or body in which the relevant person has a beneficial interest) and the relevant authority – (a) Under which goods or services are to be provided or works are to be executed; and (b) Which has not been fully discharged.
<b>Land</b>	Any beneficial interest in land which is within the area of the relevant authority.
<b>Licenses</b>	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
<b>Corporate tenancies</b>	Any tenancy where to the member's knowledge – (a) The landlord is the relevant authority; and (b) The tenant is a body in which the relevant person has a beneficial interest.
<b>Securities</b>	Any beneficial interest in securities of a body where – (a) That body (to the member's knowledge) has a place of business or land in the area of the relevant authority; 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

	<p><b>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.</b></p>
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