

FORDINGBRIDGE TOWN COUNCIL

CODE OF CONDUCT

Explanatory Note for Members

By law, all Members and co-opted Members are required to follow a Code of Conduct when acting in their capacity as a Member. The Code set out below will allow the Town Council to fulfil its obligations under section 27(2) of the Localism Act 2011, and is consistent with the following principles of public life as set out in the Act:

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.

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.

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

Please note: Anyone who considers you have failed to comply with this Code may make a formal complaint about you. New Forest District Council are the authority which deals with complaints against members and has adopted procedures for dealing with those complaints.

(This explanatory note does not form part of the Code).

CODE OF CONDUCT

PART 1: GENERAL OBLIGATIONS

Whenever you are acting in your capacity as a Member or co-opted Member:

1. You must treat others with respect.
2. 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.
3. You must not use the Town Council's resources improperly for political purposes or any other purposes forbidden by the Town Council.
4. You must not do anything that compromises, or is likely to compromise, the impartiality of those who work for the Town Council.
5. You must not bully anyone.
(Bullying is offensive, intimidating, malicious, insulting or humiliating behaviour that is directed at someone over whom you have some actual or potential influence).
6. You must not intimidate, or try to intimidate, anyone who has complained about you or who may be involved with a complaint about you.
7. You must not disclose information that you know, or ought to know, is confidential, without authority or a legitimate reason.
8. You must not prevent, or try to prevent, anyone from obtaining information to which they are entitled by law.
9. You must not do anything that may cause the Town Council to breach any of the Equality laws that prohibit discrimination on grounds such as age, sex, race, disability, religion/belief, sexual orientation or pregnancy.
10. When making decisions on behalf of or part of the Town Council you must have regard to any relevant advice provided to you by the Town Clerk, Assistant Town Clerk or Finance Officer where such advice is offered pursuant to his or her statutory duties.

PART 2: REGISTRATION AND DISCLOSURE OF INTERESTS

A. Disclosable Pecuniary Interests

1. You must, within 28 days of becoming a Member or co-opted Member, notify the Monitoring Officer at New Forest District Council of any disclosable pecuniary interest as set out in Part 2A, paragraph 5 of the Code - below, 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 as a husband or wife, or as if you were civil partners, and where you are aware that that other person has that interest.
2. All disclosable pecuniary interests, whether already entered into the Register of Interests or not, in any matter being considered at a meeting of the Authority, committee or sub-committee at which you are present, must be disclosed to the meeting, except where the matter is a 'sensitive interest'.¹ Where the interest is a 'sensitive interest', you must disclose merely *the fact that* you have a disclosable pecuniary interest in the matter concerned.

¹ A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member and the authority's monitoring officer consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

3. Where you have a disclosable pecuniary interest in any matter being considered at a meeting of the Town Council, committee or sub-committee, you must not participate in discussion of, or vote on, that matter, and must withdraw from the room where the meeting is being held, unless you have obtained a dispensation from the New Forest District Council Standards Committee. However, this does not prevent you from making representations on the matter to the meeting, provided that you withdraw from the room when those representations are concluded and before any discussion or vote takes place.
4. Following any disclosure of an interest not on the Town Council's register of interests maintained by the New Forest District Council Monitoring Officer, or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
5. The following sub-paragraphs (i) to (vii) provide a summary of disclosable pecuniary interests that must be disclosed in accordance with Part 2A paragraph 1 above:
 - (i) **Employment, office, trade, profession or vocation** - Any employment, office, trade, profession or vocation carried on for profit or gain.
 - (ii) **Sponsorship** - Any payment or provision of any other financial benefit (other than from the Authority), including payments from a trade union, in respect of any expenses incurred in carrying out duties as a Member or towards election expenses.

Sponsorship payments are disclosable where they were made within the twelfth months prior to the time that you make a notification of the interest.
 - (iii) **Contracts** - Any contract that has not yet been discharged for the provision of goods or services or the execution of works that is made between the Authority and you (or a relevant person or a body in which you or a relevant person has a beneficial interest)
 - (iv) **Land** - Any beneficial interest in land within the parish of Fordingbridge.
 - (v) **Licences** - Any licence to occupy land in the parish of Fordingbridge or a month or longer.
 - (vi) **Corporate tenancies** - Any tenancy where:
 - (a) the landlord is the Town Council; and
 - (b) the tenant is a body in which you or a relevant person has a beneficial interest.
 - (vii) **Securities** - Any beneficial interest in securities of a body where:
 - (a) you are aware that that body has a place of business or land in the parish of Fordingbridge; 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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Fuller details of disclosable pecuniary interests can be found in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (2012 No. 1464), and any amendments to those Regulations.

B. Non-pecuniary interests

1. All members shall disclose to the New Forest District Council Monitoring Officer their membership, or position of general control or management, of any body:
 - (a) to which the Town Council has appointed or nominated them; or
 - (b) exercising functions of a public nature; or
 - (c) directed to charitable purposes; or
 - (d) one of whose principal purposes includes the influence of public opinion or policy; and
 - (e) any other interest that they consider may be perceived to influence their decision making on a particular item of business.
2. The New Forest District Council Monitoring Officer shall record all such disclosures in a Register of Interests. The Register shall be open to public inspection. Members shall notify any changes to the interests referred to in this paragraph to the Monitoring Officer within 28 days of the change occurring, and the Monitoring Officer will amend the Register accordingly.
3. Any Member who has a non-pecuniary interest within the meaning of the Code of Conduct, in any matter that a meeting is considering, shall disclose the existence and nature of that interest to the meeting. The disclosure shall be at the beginning of the consideration of the matter, or when the interest becomes apparent.
4. A Member may speak and vote, unless their interest in a particular item of business is one which the Member believes that a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgment of the public interest. In these circumstances, the Member may make representations on the matter to the meeting provided that they withdraw from the room when those representations are concluded and before any discussion or vote takes place.

Adopted 6th September 2012.

Reviewed 01.06.2016