

SPREYTON PARISH COUNCIL

CODE OF CONDUCT.

This document sets out Spreyton Parish Councils approved and agreed practices. Any deviation must be made by resolution of the full Council and recorded below.

Document Number:	SPC 002
Approved by Resolution Number:	RR2022/022
Minutes Reference:	7.7.22
Ratified on:	19th July 2022
Frequency of review:	At Annual Parish Council Meeting
Version Number:	1.0

Version Control and Revisions.:

Revision History

Date	Version	Notes
19-07-2022	1.0	Policy adopted

Policy Review (where document reviewed but no changes made):

Review Number	Date	Resolution number & Minutes Ref:

THIS IS A CONTROLLED DOCUMENT

Whilst this document may be printed, the electronic version maintained on the Spreyton Parish Council laptop is the controlled copy. A .pdf version of this document is published on the Spreyton Parish Council website. Any printed copies of this document are not controlled.

SPREYTON PARISH COUNCIL

CODE OF CONDUCT.

Introduction:

Pursuant to section 27 of the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012, Spreyton Parish Council ('the Council') has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council.

This Code of Conduct is based on the Nolan principles of Public Life which should be borne in mind when interpreting the meaning of the Code:-

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 for themselves, their family, or their friends.

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.

Definitions:

- A 'co-opted member' is a person who is Elected by the Council to be a full member of the Council, and is entitled to vote on any question that falls to be decided at any meeting of that Council.
- For the purposes of this Code, a 'meeting' is a meeting of the Council.
- For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

Member obligations:

As a member of the Council when you act, claim to act or gives the impression of acting as a representative of the Council, you have to the following obligations:

1. You must treat others with respect, including members of the public, officers of the Council and any other person with whom you come into contact.
2. You must not bully or intimidate or attempt to bully or intimidate any person.
3. You must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.
4. You must not do anything or act in any way which could reasonably be regarded as bringing either your office of Member or the Council into disrepute.

SPREYTON PARISH COUNCIL

CODE OF CONDUCT.

5. (i) You must not disclose information given to you in confidence by anyone, or information acquired by you or provided to you by the Council which you believe, or ought reasonably to believe, is of a confidential nature or is capable of being treated as confidential.
(ii) For the avoidance of doubt, information covered by and dealt with by schedule 12A of the Local Government Act 1972 (Part 2 information) is included within 5(i) above.
(iii) Exceptions to the requirement in 5(i) above may arise where you have consent to disclose the information given to you by someone authorised to do so, where you are required by the law to disclose the information, where the disclosure is to a third party for the purpose of obtaining professional advice and the third party agrees not to disclose the information to any other person or where the disclosure is reasonable and in the public interest and made in good faith and in accordance with the requirements of the Council.
6. You must not do anything which may lead the Council to be in breach of any legislation or act in a way which is otherwise unlawful.
7. You must have regard to any relevant advice provided to you by the Council's officers and other external bodies or officers.
8. You 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.
9. In taking decisions you must exercise independent judgement, take into account all relevant considerations and views, and you must give reasons for your decisions in an open and transparent manner.
10. You must not use the resources of the Council for purposes which conflict with the Council's requirements or for political or personal purposes.
11. You must treat everyone equally, impartially and fairly and represent the residents of the whole of the Parish.

Registration of interests: Important Notes to read before you complete your [Register of Interests Form in Appendix C.](#)

Relating to all information in the Register:

Under the Act and the Regulations, you must register **Disclosable Pecuniary Interests**. If you fail to do so, and then take part (i.e. speak or vote or both) at a Council or Committee meeting, you may be committing a criminal offence. You must set these out in Part 1 of the Register of Interests.

Under the Code of Conduct you must also register **other interests** in Part 2 of the Register. These include membership of specified bodies, or other bodies or interests that might create a conflict of interest in carrying out your duties as a councillor. If you fail to do that it may be contrary to the Code, but it will not be a criminal offence.

You must complete the Register, sign and date it, and return it to West Devon Borough Council's Monitoring Officer (**with a copy sent to the Clerk**) within **28 days** of whichever is the later of:

- your election, appointment or co-option onto the Council, or
- the date that the Council adopts the Code of Conduct

You must tell the Monitoring Officer and send a copy to the Clerk (by completing an [Amendment Form – Appendix D](#)) of any **changes** to your existing interests (or about any new interests disclosed at a meeting that are not already in your Register or been notified to the Monitoring Officer) **within 28 days** of becoming aware of the change/new interest.

SPREYTON PARISH COUNCIL

CODE OF CONDUCT.

The Localism Act requires that the information that you give on this form is kept in a Register that must be:

- available for inspection by the public, and
- published on the Council's website

Disclosable pecuniary interests (DPIs)

DPIs are prescribed by the Regulations. You must state:

- whom you work for,
- the name of anyone who sponsors you in your election
- interests in any land you own or rent or otherwise have an interest in (in the Council's area),
- any contracts you have with the Council and
- the name companies in which you hold shares (which has a place of business in the Council's area)

As well as your own DPIs you must also register any DPIs **that you are aware of which belong to the person you live with**. This includes your:

- Spouse
- Civil partner, or
- The person you live with as though you are husband and wife or civil partners.

These people are referred to below as your "spouse or partner"

If you participate in a meeting when you have a DPI, and have no dispensation, you may commit a criminal offence, [See Appendix A for more guidance](#).

It is a requirement that all of your registered interests, and those of your spouse or partner, be published on the Council's.

You need not register interests that are sensitive (as agreed by the Monitoring Officer)

You may apply for a dispensation in specified circumstances where you have a DPI – please speak to the Clerk to the Parish Council or the Monitoring Officer.

Sensitive Information

Where the Monitoring Officer agrees that any information relating to your interests is '**sensitive**', then that information may be excluded from the public. Sensitive information is defined as information whose availability to the public is likely to create a serious risk that any person may be subjected to violence or intimidation.

Please email Monitoring.Officer@swdevon.gov.uk with full details of your reasons why the information should be classed as sensitive.

You must notify the Monitoring Officer within 28 days of any change which means that the information is no longer sensitive.

Personal Interests:

In addition to the disclosable pecuniary interests, West Devon Borough Council has resolved that **Personal Interests** should also be listed in the register, in the interests of being open and transparent. You need to declare these other interests but can remain in the meeting room and take part in the debate and vote.

You **do not need** to include your spouse or partner's 'personal' interests in Part 2 of the Register.

Prejudicial Interests:

If you do not have a DPI ([Appendix A](#)) in a matter, you will have a prejudicial interest in a matter where:

- (i) a decision on that matter would affect the well-being or financial position of any relevant person, member of your family or close associate more than it would affect the majority of people living within the ward or electoral division affected by the decision and

SPREYTON PARISH COUNCIL

CODE OF CONDUCT.

- (ii) a reasonable member of the public with knowledge of the relevant facts would reasonably think that your interest was so significant that it is likely to prejudice your judgement of the public interest.

Declaration of interests at meetings:

- 1) If you attend a meeting of the Council and have and are aware that the business being conducted at that meeting affects a Disclosable Pecuniary Interest ([Appendix A](#)) or is such that you would have a Prejudicial Interest in the business:
 - (i) you must, disclose to the meeting that you have a DPI or Prejudicial Interest in that matter and if you have not done so already, you must also notify the Monitoring Officer of the DPI within 28 days of the meeting by completing the form in [Appendix D](#) (and send a copy to the Clerk),
 - (ii) unless a Dispensation has been granted, you must NOT participate, or participate further once the interest is known, in any discussion of the matter at the meeting, or participate in any vote, or further vote, taken on the matter at the meeting, and
 - (iii) must leave the room whilst discussion on the matter is taking place.
2. If your interest in a matter being discussed at a meeting of the Council is a [Personal Interest falling within Appendix B](#) you may remain in the room and participate in the discussion on the matter and may also take part in the vote taken on the matter.
3. Where you consider that the information relating to any of your interests is sensitive information, and the Monitoring Officer agrees, you need not include that information when registering that interest, at a meeting the member shall disclose they have an interest but not the nature of it.

You must, within 28 days of becoming aware of any change of circumstances which means that this information is no longer sensitive information, notify the Monitoring Officer, with a copy to the Clerk, asking that the information be included in the Register of Members' Interests. This should be done by completion of the register [amendment form in Appendix D](#).

Dispensations:

Section 33 of the Localism Act 2011 makes provision for the granting of a dispensation allowing a Member with a Disclosable Pecuniary Interest in a matter to speak and/or vote on that matter.

On a written request made to the Council's proper officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if they have an interest in Appendices A and B if the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.

[Appendix A – Guide to Register of Interests form](#)

[Appendix B – Guide to other Interests](#)

[Appendix C – Register of Interests Form](#)

[Appendix D – Amendment of Register Form](#)

SPREYTON PARISH COUNCIL
CODE OF CONDUCT.

Appendix A: A Disclosable Pecuniary Interest is an interest described below relating to a member and/or their spouse/civil partner or by the person with whom the member is living as if they were spouses/civil partners:

Part 1 of the Register	
Disclosable Pecuniary Interests	
These are your DPIs and those DPIs of your partner/spouse that you are aware of You should complete the form in the same way for your spouse/partner, as for your own interests, but you do not need to state separately which are your interests and which are your spouse/partner's.	
Employment, office, trade, profession or vocation	
Definition in the Regulations: Any employment, office, trade, profession or vocation carried on for profit or gain (carried on by you or spouse/partner)	You should show every employment, office, trade, profession or vocation that is for profit or gain. Give a short description of the activity concerned, for example, "Computer Operator" or "Accountant" State your employer's name and address. If employed by a company, give the name of the company paying your wages or salary, not that of the ultimate holding company. Where you hold an 'office', give the name of the person or body which appointed you. In the case of a public office, this will be the authority which pays you <u>You do not need to say how much you earn.</u> You must also register and disclose every employment, office, trade, profession or vocation (that you are aware of) in which your spouse or partner is engaged.
Sponsorship	
Definition in the Regulations: 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.	Give the names of people or bodies who have made payments to you towards your expenses as a Councillor (excluding payments made to you by the Council itself) or towards your election expenses within the last 12 months before the date of this notification. You do not need to give the amounts of any

SPREYTON PARISH COUNCIL
CODE OF CONDUCT.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992	payments. This includes any payment made by your political party and agent at the election and any payment or financial benefit from a trade union. If your spouse / partner is also a councillor you must include any such payments or expenses of which you are aware that s/he has received
Contracts	
Definition in the Regulations: 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: (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged	You should describe all current contracts which are: - contracts for the supply of goods, services or execution of works to or for the Council or on the Council's behalf; and - made between your Council and yourself or - made between the Council and a company or firm in which you have a beneficial interest or of which you are a director or a partner or - made between the Council and your spouse or partner or a company or firm in which your spouse or partner is a director of business partner (of which you are aware) - and which is still operating You do not need to say what the financial arrangements are, but you should say how long the contract is for. Once the contract has been fully discharged it can come off the register.
Land	
Definition in the Regulations: Any beneficial interest in land which is within the area of the relevant authority	You should include any land in your Council's area in which you (or your spouse or partner) have a beneficial interest: i.e. land in which you have some proprietary interest for your own benefit.

SPREYTON PARISH COUNCIL
CODE OF CONDUCT.

	You should give the address (including postcode) or a brief description to identify it. If you live in the Council's area you should include your home under this heading (whether you occupy it as owner, occupier, lessee, licensee or tenant). You should also include any property from which you receive rent, or of which you are the mortgagee. "Land" includes any buildings or parts of buildings, but it does <i>not</i> include an interest such as an easement or other right over land which doesn't carry with it a right for you (or your partner/spouse) to occupy the land or to receive income from it. You need not register those.
Licences	
Definition in the Regulations: Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.	If you (or your spouse/partner) have a licence to occupy land you need only register it if the licence is for a month or longer.
Corporate tenancies	
Definition in the Regulations: Any tenancy where (to your knowledge): (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest	You should list any tenancies of property where the landlord is the Council and the tenant is yourself, or a company of which you (or your spouse/ partner) are a director or in whose securities you or they or have a beneficial interest
Securities	
Definition in the Regulations: Any beneficial interest in securities of a body where: (a) that body (to your knowledge) has a place of business or land in the area of the relevant authority; and (b) either:	You should list the names of any companies, industrial and provident societies or other corporate bodies that (to your knowledge) have land or a place of business in the Council's area and in which you (or your spouse/ partner) hold shares or other securities of over £25,000 or one hundredth of the total issued share capital.

SPREYTON PARISH COUNCIL
CODE OF CONDUCT.

(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. In this context "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.	The extent of your interest or the actual amount of your holding doesn't need to be disclosed, and you do not need to disclose money in a bank or building society account.
---	---

Appendix B

Part 2 of the Register Other interests that must be registered (relating to you only)	
Any membership of any body	This includes membership of bodies: to which you were appointed or nominated by the Council (either at the Annual Meeting or subsequently) to serve as the Council's own representative exercising functions of a public nature directed to charitable purposes whose principle purposes include influence of public opinion or policy or political parties
Any other body or area which, in your view, might create a conflict of interest in carrying out your duties as a Councillor, including but not confined to the receipt of gifts or hospitality to a value greater than £100.	This is to allow you to be open about such other aspects of your personal affairs, if you so wish, and to declare the receipt of substantial gifts or hospitality.

SPREYTON PARISH COUNCIL
CODE OF CONDUCT.

Appendix C: Please send a copy of the completed form to the Clerk.

Register of Interests for
West Devon Borough Parish & Town Councils

Please read the Notes in Appendix A before completing this Register

Notice of Interests

The Parish / Town Council adopted
its Members' Code of Conduct on (date)

I Councillor
(insert your full name)

Member of
(insert the name of your Parish/Town Council)

Give Notice below of those interests which I am required to declare under:

- The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and
- The Council's adopted Code of Conduct.

I understand that in so doing I must also declare:

- In addition to **my own Disclosable Pecuniary Interests**, any Disclosable Pecuniary interest I am aware of that belongs to my **spouse or partner**, as defined in the Council's Code of Conduct (these interests are set out in Part 1 of this Register)
- My interests in relation to **any personal or other interest** required by the Code (these interests are set out in Part 2 of the Register)

Your Declaration

I recognise that if I fail to comply with the Council's Members' Code of Conduct or:

- (i) omit any information that should be included in this Notice;
- (ii) give false or misleading information; or
- (iii) do not tell the Monitoring Officer of any changes to this Register or new interests that I acquire (or those of which I am aware belong to my partner or spouse in relation to Disclosable Pecuniary Interests),

that it may be a criminal offence and/or a breach of the Council's Code of Conduct.

Signed: Date:

SPREYTON PARISH COUNCIL
CODE OF CONDUCT.

Part 1	
Disclosable Pecuniary Interests	
1. Employment, Office, Trade, Profession or Vocation Please give details of: (i) every employment, job, trade, office, business or vocation for which <u>you</u> (and/or <u>spouse/partner</u>) receive any benefit or gain (i.e. profit, salary or benefit in kind) including a short description of the activity e.g. 'Accountant' or 'Farmer' and (ii) the name of any employer or body, firm or company which <u>you</u> own (and/or your <u>spouse/partner owns</u>) or in whose securities you/they have any beneficial interest.	
(i) Description of your/spouse/partner's employment, job, vocation, trade or business carried on for profit, gain or benefit	
(ii) Name of employer, body, firm or company by which you (or spouse/partner) are: • employed, or • in which you (your spouse/partner) are a Partner or a remunerated Director or • in whose securities you/they have a beneficial interest	

SPREYTON PARISH COUNCIL
CODE OF CONDUCT.

2 (a). Sponsorship - you

Please give details of any person or body (other than the Council) who has made any payment to you in respect of your election or any expenses you have incurred in carrying out your duties as a Parish/Town Councillor.

2 (b). Sponsorship – your spouse or partner

Please give details of any person or body (other than the Council) who has (to your knowledge) made any payment to your spouse or partner in respect of their election or any expenses they have incurred in carrying out their duties as a Councillor.

3. Securities: Interests in Companies or other bodies

Please give details of any body which:

- (i) has (to your knowledge) a place of business or owns land in the Parish/Town Council's area, and
- (ii) in which you (and/or spouse/partner) have a beneficial interest in 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 you have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Note: It is not necessary to declare the nature or size of the holding, simply the name of the company or other body.

SPREYTON PARISH COUNCIL
CODE OF CONDUCT.

4. Contracts: for Goods, Works or Services with the Parish/Town Council

Please give details of any current, existing contracts for goods, works or services between:

- (i) the Council and
- (ii) you (spouse/partner) or
- (iii) any body, firm or company by which you (or spouse/partner) are employed or which you/they own or in which you/they have a beneficial interest, as referred to at 3 above.

SPREYTON PARISH COUNCIL
CODE OF CONDUCT.

5. Land and Licenses in the Council's Area

Please give the address or other description (sufficient to identify the location) of any land or property in the Council's area in which you (or spouse/partner) have a beneficial interest, indicating whether you/he/she are the owner, lessee or tenant. You should include any land in which you (or spouse/partner) have a licence (alone or with others) to occupy for a period of one month or longer (for example, any allotments you/they rent or use).

You must include the property you live in

6. Corporate Tenancies: Land leased from the Parish / Town Council

Please give the address or other description (sufficient to identify the location) of any land leased or licensed from the Council by:

- (i) you
- (ii) your spouse/partner, or
- (iii) any body firm or company by which you (or your spouse/partner) are employed or which you (spouse/partner) own or in which you (spouse/partner) have a beneficial interest (specified at 3 above)

SPREYTON PARISH COUNCIL
CODE OF CONDUCT.

Part 2	
Personal and other Registerable Interests	
(These interests are <u>your</u> interests only – you do not need to include your spouse/partner)	
7. Membership of Other Bodies	
Please give details of your membership of, your connection with, or any position of general control or management in, any bodies in the categories listed below.	
a) Any Body or Organisation to which you have been appointed or nominated by the Council as its representative	
b) Any other Body exercising functions of a public nature (e.g. County, Town or Parish Council; National Park Authority; Health, Police or Fire Authority etc)	
c) Any Body directed to charitable purposes (e.g., an Industrial and Provident Society or Charity)	

SPREYTON PARISH COUNCIL
CODE OF CONDUCT.

d) Any Body whose principle purpose is to influence public opinion or policy (e.g. Political Party; Trade Union, Professional Association, Local Action Forum, Civic Society or Interest Group)	
e) Any other body which, in your view, might create a conflict of interest in carrying out your duties as a Councillor.	
8. Any other matter which, in your view, might create a conflict of interest in carrying out your duties as a Councillor, including but not confined to the receipt of gifts or hospitality to a value greater than £100.	

SPREYTON PARISH COUNCIL
CODE OF CONDUCT.

Appendix D: Please send a copy of the completed form to the Clerk.

Register of Councillors' Interests

Amendment Form

Localism Act 2011

Your name:	
Parish/Town Council:	

I GIVE NOTICE that I have amended my Register of Councillor's Interests as follows:

	Interests on the Register to be amended (Boxes 1 – 6 relate to both you and your spouse/partner)	Details of the change to be made
1.	(i) Nature of employment or business	
	(ii) Name of employer, or name of organisation in which you are a partner or director	
2.	Sponsorship - name of person / organisation who paid your election expenses	
3.	Securities – companies or bodies in which you have a beneficial interest	
4.	Contracts you have with the Council	
5.	Any Land or Licence in your Council's area in which you have a proprietary interest (this includes your home)	
6.	Land subject to a tenancy with your Council	
7.	Changes to details of your Membership of other bodies	
8.	Any other interests	
Signature:		Date:

Please return the completed form by email to: Democratic.Services@swdevon.gov.uk or by post to the Monitoring Officer, West Devon Borough Council, Kilworthy Park, Drake Road, Tavistock PL19 0BZ