Ripley Town Council

CODE OF CONDUCT FOR RIPLEY TOWN COUNCIL

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Originator: H. Curzon – Town Clerk / Proper Officer

Ripley Town Council has adopted this Code of Conduct to provide a sound structure to the way it conducts its business.

Introduction

Pursuant to section 27 of the Localism Act 2011, Ripley Town 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 principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

Definitions

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, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

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

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.

1. He/she shall behave in such a way that a reasonable person would regard as respectful.
2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
3. He/she shall not seek to improperly confer an advantage or disadvantage on any person.
4. He/she shall use the resources of the Council in accordance with its requirements.
5. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.
6. He/she will not act "Ultra Vires" (beyond their powers).

Registration of interests

7. Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register with the Monitoring Officer of the Borough Council the interests which fall within the categories set out in Appendices A and B.

8. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register with the Monitoring Officer of the Borough Council any interests in Appendices A and B.

9. A member shall register with the Monitoring Officer of the Borough Council any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.

10. A member need only declare the existence but not the details of any interest which the Monitoring Officer of the Borough Council 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.

Declaration of interests at meetings

11. Where a matter arises at a meeting which relates to an interest in Appendix A the member shall not participate in a discussion or vote on the matter. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it.

12. Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer of the Borough Council, the member shall disclose he/she has an interest but not the nature of it.

13. Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall not vote on the matter. He/she may speak on the matter only if members of the public are also

allowed to speak at the meeting.

14. A member only has to declare his/her interest in Appendix B if it is not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of the Borough Council of it or if he/she speaks on the matter. If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer of the Borough Council, he/she shall declare the interest but not the nature of the interest.

15. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest in Appendix A), the member shall disclose the nature of the interest and not vote on the matter. He/she 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' the member shall declare the interest but not the nature of the interest.

Dispensations

16. 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 he/she has 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

Interests defined by regulations made under section 30(3) of the Localism Act 2011 and described in the table below.

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 member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, 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 member or between his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a body in which such a person is a partner in a firm, a director of an incorporated body or holds the beneficial interest in securities*) 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 / Property	Any beneficial interest in land / property which is within the area of the Council. (That is owned or rented).
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the member's knowledge)—
	(a) the landlord is the Council; and
	(b) the tenant is a body in which the member, or his/her spouse or civil partner/ the person with whom the member is living as if they were spouses/civil partners has a beneficial interest.
*Securities	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 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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

***'**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 B

An interest which relates to or is likely to affect:

i. any body of which the member is in a position of general control or management and to which he/she is 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 member of the Council is a member or in a position of general control or management;

iii. any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.

2. THE RELEVANT AUTHORITIES (DISCLOSABLE PECUNIARY INTERESTS) REGULATIONS 2012

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 ("the 2012 Regulations") made under s.30 (3) of the Localism Act 2011 ("the 2011 Act") took effect on 1 July 2012.

S.30 (3) of the 2011 Act confirms that disclosable pecuniary interests relate to certain interests of a member or co-opted member or the interests of his/her spouse or civil partner or the person with whom he/she lives as if they were a spouse or civil partner.

The Schedule to the 2012 Regulations sets out the prescribed disclosable pecuniary interests for the purpose of the 2011 Act and this is contained in the below table. References to members and members of authorities in the table refer to members and co-opted members of parish councils.

Subject	**Prescribed description**
Employment, office, trade, profession or vacation	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 authority of which the member is a member) made or provided within the relevant period in respect of any expenses incurred by the member in carrying out duties as a member, or towards the election expenses of the member. "Relevant period" means the period of 12 months ending with the day on which the member of an authority gives a notification to the monitoring officer for the purposes of section 30(1) of the 2011 Act. 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 which is made between (i) the member, (ii) the member's spouse or civil partner, (iii) a person with whom the member is living as husband and wife, or (iv) a person with whom the member is living as if they were civil partners, (or a body in which any of these persons has a beneficial interest) and the member's 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. "Body in which any of these persons has a beneficial interest" means a firm in they are a partner or a body corporate of which they are a director, or in the securities of which they have a beneficial interest.

Land / Property	Any beneficial interest in land / property which is within the area of the member's authority. (That is owned or rented).
Licences	Any licence (alone or jointly with others) to occupy land in the area of the member's authority for a month or longer.
Corporate tenancies	Any tenancy where (to the member of an authority's knowledge)— (a) the landlord is the member's authority; and (b) the tenant is a body in which the member and the member's partner as referred to in respect of s.30 (3) of the 2011 Act and the contract section above has a beneficial interest.
Securities	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 member's 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 total nominal value of the shares of any one class in which the member or the member's partner as referred to in s.30 (3) of the 2011 Act has a beneficial interest exceeds one hundredth of the total issued share capital of that class. *"Securities" is defined in the Schedule to the 2012 Regulations as 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.

Legal Topic Note 80 entitled "Members' conduct and the registration and disclosure of their interests (England)" also contains further information about the obligations of members and co-opted members in respect of the disclosure of interests.