

## **CODE OF CONDUCT OF BRAUNSTONE TOWN COUNCIL (Adopted 16th MAY 2013, Revised 12th May 2016)**

The Members' Code of Conduct is intended to promote high standards of behaviour amongst the elected and co-opted members of the Council.

The Code is underpinned by the following principles of public life which should be borne in mind when interpreting the meaning of the Code.

As a Councillor you are a representative of the Council and the public and other stakeholders will form a view of Braunstone Town Council as a result of your actions. As such you must conduct yourself in a manner which is consistent with the Council's duty to promote and maintain high standards of conduct of Councillors.

- (i) **Selflessness** As a public figure you serve only the public interest and should not do so in order to gain financial or other benefits for themselves, your family or your friends.
- (ii) **Integrity** You should avoid placing yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- (iii) **Objectivity** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, you should make choices on merit.
- (iv) **Accountability** You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate to your office.
- (v) **Openness** You should be as open as possible about all the decisions and actions that you take. You should give reasons for your decisions and restrict information only when the wider public interest clearly demands.
- (vi) **Honesty** You have a duty to declare any private interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- (vii) **Leadership** You will promote and support these principles by leadership and example.

## PART 1 GENERAL PROVISIONS

### 1. Introduction and Interpretation

- 1.1 You should read this Code in conjunction with the Councils Standing Orders.
- 1.2 This Code applies to **you** as a member of Braunstone Town Council
- 1.3 It is **your** responsibility to comply with the provisions of this Code and ensure all obligations are met.
- 1.4 In this Code:  
  
    **“Meeting”** means any meeting of:  
  
    (a) the Authority;  
  
    (b) any of the Authority's committees, subcommittees or advisory panel's etc
- 1.5 **“Member”** means any person being an elected or co-opted member of the Authority and any independent person appointed by the Authority to assist with the discharge of the Code of Conduct functions.
- 1.6 In relation to the Town Council, references to an authority's Monitoring Officer and an authority's Standards Committee shall be read, respectively, as references to the Monitoring Officer and the Standards Committee of the District Council which has functions in relation to the town council for which it is responsible under Section 55(12) of the Local Government Act 2000.

### 2. Scope

- 2.1 You must comply with this Code whenever you
  - 2.1.1 act, claim to act or give the impression you are acting as a representative of your Authority
  - 2.1.2 conduct the business of your Authority (which, in this Code, includes the business of the office to which you are elected or appointed)
- 2.2 Where you act as a representative of Braunstone Town Council
  - 2.2.1 on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct
  - 2.2.2 on any other body, you must, when acting for that other body, comply with this Code of Conduct except in so far as it conflicts with any other lawful obligations to which that other body may be subject.
- 2.3 in addition to having effect in relation to conduct in your official capacity, the Code also has effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

- 2.4 Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

### **3. Other Obligations**

In addition to the above principles, you will:-

- (a) Strive to establish respectful and courteous relationships with everyone you come into contact with as Councillors. You will also respect the political impartiality and integrity of the Council's statutory officers and its other employees.
- (b) Follow the law in relation to policies of the Council and its legal obligations.
- (c) Not to disclose or use confidential information for any other purpose other than that provided by the law.
- (d) Use those particular council resources provided for the undertaking of the Council duties in accordance with the Council's policies and not for any other purposes.

## PART 2 INTERESTS

### 4. Disclosable Pecuniary Interests

- 4.1 Subject to Paragraph 11 (sensitive interests), you must within 28 days of
- (a) this code being adopted or
  - (b) your election or appointment (where that is later) Notify the Monitoring Officer of any Disclosable Pecuniary Interests where such interest is
    - (i) yours,
    - (ii) your spouse's or civil partner's
    - (iii) somebody with whom you are living as husband and wife or civil partners
    - (iv) that of your family,
    - (v) close associate.
- and you are aware that that person has the interest
- 4.2 You must within 28 days of becoming aware of any new Disclosable Pecuniary Interest or any change to any such interest, notify the Monitoring Officer in writing of that new interest.
- 4.3 You have a Disclosable Pecuniary Interest if it is of a description specified in Regulations made by the Secretary of State and attached as an Appendix to this Code.
- 4.4 Where such an interest exists and has or has not been entered onto the authority's register, you must disclose the interest to any meeting of the authority at which you are present, where you have a Disclosable Interest in any matter being considered and where the matter is not a 'sensitive interest' or where no dispensation has been given.
- 4.5 Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the Monitoring Officer in writing of the interest within 28 days beginning with the date of disclosure.
- 4.6 Where you have a Disclosable Pecuniary Interest you must not remain in the meeting or participate in the discussions on the matter on which you hold that Interest.

## **5. Disclosable Non-Pecuniary Interests and Non-Disclosable Pecuniary Interests**

- 5.1 Subject to Paragraph 7 (sensitive interests), you must within 28 days of
- (a) this code being adopted or
  - (b) your election or appointment (where that is later) notify the Monitoring Officer of any Disclosable Non-Pecuniary Interests through the Register of Interest Form.
- 5.2 You have a Disclosable Non-Pecuniary Interest if it is of a description specified in Regulations made by the Secretary of State
- 5.3 Where you have a Disclosable Non-Pecuniary Interest you may remain in the meeting, speak and vote on the matter unless to do would compromise your impartiality obligations or any other obligations set out in this Code.
- 5.4 Where you have a Non-Disclosable Pecuniary Interest you should declare that interest when the interest arises and you must not vote or participate in the discussions on the matter and will leave the room if required by Standing Orders on Council Procedure Rules.

## **6. Dispensations**

- 6.1 On written request made to the Executive Officer & Town Clerk, 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 as detailed in the Appendix.
- 6.2 Dispensations may be granted by the Executive Officer & Town Clerk, under delegated powers, if it is believed 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 Councils area to allow the member to take part; or it is otherwise appropriate to grant a dispensation.
- 6.3 Requests must be made at least one clear day prior to the meeting at which Dispensation is required. Councillors should seek advice from the Executive Officer & Town Clerk or the Monitoring Officer at the earliest opportunity.

## **7. Sensitive Interests**

- 7.1 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.

**DISCLOSABLE PECUNIARY INTERESTS**

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<b><i>Interest</i></b>	<b><i>Prescribed description</i></b>
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 relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. 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 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.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	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 M'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.
Securities	Securities Any beneficial interest in securities of a body where— (a) that body (to M'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 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.

For this purpose –

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“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.

## DISCLOSABLE NON-PECUNIARY INTERESTS

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;
  - 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.

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