



## **LYDNEY TOWN COUNCIL**

# **CODE OF CONDUCT** **POLICY GUIDANCE**

*[Pursuant to section 27 of the Localism Act 2011]*

**‘Lydney Town Council Members agree to be bound by this given  
Code of Conduct’**

*[Adopted – May 2019]*

## **Introduction**

Pursuant to Section 27 of the Localism Act 2011, Lydney Town Council ('the Council') has adopted this Code of Conduct to promote and maintain high standards of behavior 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 behavior:

Selflessness: you must take decisions solely in terms of the public interest. You must not do so in order to gain financial or other material benefit for yourself, your family or friends;

Integrity: you must not place yourself under any financial or other obligation to outside individuals or organisations that might influence you in the performance of your official duties;

Objectivity: in carrying out public business, including making public appointments, awarding of contracts, or recommending individuals for rewards and benefits, you must make choices on merit;

Accountability: you are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate to your office;

Openness: you must be as open as possible about all the decisions and actions that you take and should give reasons for your decisions. Only when the wider public interest clearly demands it, should you restrict information;

Honesty: you have a duty to declare any personal interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interest;

Leadership: you must promote and support these principles by leadership and example

## **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.

The interests listed in Appendix A are "Disclosable Pecuniary Interests", those listed in Appendix B are "Other Interests"

## **1. General Conduct**

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:

- 1.1 to provide leadership to the council and the community within its area, by personal example and
- 1.2 to respect others and not bully or threaten or attempt to bully or threaten any person
- 1.3 to respect the confidentiality of information which you receive as a Member by: -  
  
not disclosing confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so;  
  
**and**  
  
not obstructing third parties' legal rights of access to information
- 1.4 not conduct yourself in a manner which is likely to bring the council into disrepute
- 1.5 use your position as a Member in the public interest and not for personal advantage
- 1.6 comply with the council's rules on the use of public resources for private and political purposes
- 1.7 exercise your own independent judgement, taking decisions for good and substantial reasons by:  
  
attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups  
  
paying due regard to the advice of Officers  
  
stating the reasons for your decisions where those reasons are not otherwise apparent
- 1.8 do nothing that causes the council to act unlawfully.

## **2. Disclosable Pecuniary Interests**

- 2.1 You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State ( as set out in the Appendix) and either:

- (a) it is an interest of yours, or
- (b) it is an interest of:

your spouse or civil partner; **or**  
a person with whom you are living as husband and wife; **or**  
a person with whom you are living as if you were civil partners;  
**and** you are aware that other person has the interest.

## 2.2 You must –

comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest

ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests

make a verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent

Where you have a disclosable pecuniary interest, whether the interest is registered or not, you must not (unless you have obtained a dispensation from the Authority’s Monitoring Officer via the CEO) –

- (i) participate, or participate further, in any discussion of the matter at the meeting;
- 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.

## 3. Declaration of other Interests

In addition to the requirements of Paragraph 3, if you attend a meeting at which any item of business is to be considered and you are aware that you have a “non- disclosable pecuniary interest or non-pecuniary interest” in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.

You have a “non-disclosable pecuniary interest or non-pecuniary interest” in an item of business of your authority where –

- 3.1 a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the parish area for which you have been elected or otherwise of the authority’s administrative area,  
**or**
- 3.2 it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code, but in respect of a member of your family (other than a “relevant person”) or a person with whom you have a close association and that interest is not a disclosable pecuniary interest.
- 3.3 Where the matter relates to a financial interest of a friend, relative or close associate he/she shall declare the nature of the interest and withdraw from the meeting. If he/she wishes to speak on the matter then sub clauses 5.2.1 & 5.2.2 apply.

#### **4. Gifts and Hospitality**

- 4.1 You must, within 28 days of receipt, notify the Parish Clerk in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a Member from any person or body other than the council.

The Proper Officer will place your notification on a public register of gifts and hospitality.

#### **5. Dispensations**

On a written request made to the Council’s Proper Officer, the council may grant a member dispensation to participate in a discussion and vote on a matter if:	
5.1	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; <b>or</b>
	it is in the interests of the inhabitants in the Council’s area to allow the member to take part <b>or</b> it is otherwise appropriate to grant a dispensation.

## APPENDIX A (Disclosable Pecuniary interests)

Such interests of:

1. the member, or
2. the member's spouse or civil partner, or
3. a person with whom the member is living as husband and wife, or
4. a person with whom the member is living as if they were civil partners'

and the member is aware that that other person has the interest

### **Please note:**

- any person mentioned in 2, 3 & 4 above is known as a "relevant person"
- "Member" includes co-opted member

Subject	Prescribed 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 relevant authority (a) made or provided within the relevant period (b) in respect of any expenses incurred the member in carrying out duties as a member, or towards the election expenses of the member. 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 (c)) 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; <u>and</u> (b) which has not been fully discharged.
Land (d)	Any beneficial interest in land which is within the area of the relevant authority
Licences	Any licence to occupy land in the area of the relevant authority for a month or longer

**a** "relevant authority" means the authority of which the member is a member

**b** "relevant period" means a period of 12 months ending on the day on which the member gives a notification to the Monitoring Officer of any Disclosable Pecuniary Interest.

**c** "body in which the member has a beneficial interest" means (a) a firm in which the member is a partner, or (b) a body corporate of which the member is a director, or (c) in the securities of which the member has a beneficial interest.

Corporate tenancies	Any tenancy where to the member's knowledge (a) the landlord is the relevant authority; and  (b) the tenant is a body <b>(e)</b> in which the relevant person has a beneficial interest
Securities <b>(e)</b>	(a) Any beneficial interest in securities of a body where  (b) that body (to the member's knowledge) that has a place of business or land in the area of the relevant authority; and  (c) either:  (i) the total nominal value of the securities exceeds £25000 or 1/100 <sup>th</sup> 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 which exceeds 1/100 <sup>th</sup> of the total issued share capital of that class

d. 'Land' excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the member to occupy the land or to receive income.

e. 'Securities' mean shares, 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 (Other Interests)**

Any interest which relates to or is likely to affect:

- 1) anybody 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 **(f)**.
- 2) anybody:
  - a) exercising functions of a public nature;
  - b) directed to charitable purposes;
  - c) one whose principle 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;
- 3) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his / her office;

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f. Example: where a member has been appointed to a village hall committee by the Council.



# Code of conduct complaints

*(For information – Please refer to Standing Order Item 13, page 17)*

- a Upon notification by the District Council's Monitoring Officer responsible for investigating a complaint, that a councillor with voting rights has breached the council's code of conduct, the Proper Officer shall, subject to standing order 11 above, report this to full council.
  
- b Where the notification in standing order 14(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in accordance with standing order 14(d) below.
  
- c The council may:
  - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint as is required by law;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
  
- d Upon notification by the District Council's Monitoring Officer that a councillor with voting rights has breached the council's code of conduct, the Proper Officer will report the findings to full council who shall consider what, if any, action to take against the individual member.**

[Note - Such action excludes disqualification or suspension from office]:

## **Actions the council may deem to be appropriate:**

- to censure the member *(a formal, and public, group condemnation)*
- removal of the member from all committees, sub-committees, working parties, stakeholder meetings etc
- removal of the member from all outside appointments to which the member has been appointed or nominated by council as its representative
- to request the member undergo formal training/provide a copy of attendance certificate before being reinstated to any of the aforementioned groups.

Adopted..... Date.....

Chairman.....

Proper Officer/RFO.....

***This policy will be kept up to date as the size and nature of the Council changes or new legislation is introduced. Otherwise date of next review - May 2023.***