

**BARMSTON & FRAISTHORPE PARISH COUNCIL  
MEMBER CODE OF CONDUCT**

**ADOPTED ON 14<sup>th</sup> AUGUST 2012 and AMENDED ON 9<sup>th</sup> MAY 2018**

**(1) Introduction and Interpretation**

- (1) This Code applies to you as a Member of this parish council when you act in your role as a Member and it is your responsibility to comply with the provisions of this Code.
- (2) You are a representative of this parish council and the public will view you as such therefore your actions impact on how the parish council as a whole is viewed and your actions can have both a positive and negative impact on the authority.
- (3) The public expect Members to act in an open and transparent manner.
- (4) In this Code -

**'Meeting'** means any meeting of:-

- (a) The parish council;
- (b) Any of the parish council's sub-committees, joint committees joint sub-committees or area committees;

**'Member'** includes all Members and co-opted and appointed Members of the parish council.

**'Family'** means Spouse, Civil partner, any person with whom you are living as a Spouse or Civil Partner, parent, grandparent, child, grandchild or sibling.

**(2) General Obligations**

- (1) You must treat others with respect.
- (2) You must not bully any person.
- (3) You must not conduct yourself in a manner that could reasonably be regarded as bringing your office or parish council into disrepute.
- (4) You must not disclose information given to you in confidence by any one or information acquired by you which you believe, or ought to be aware, is of a confidential nature, except where :-
  - (1) You have the consent of the person authorised to give it;
  - (2) You are required by law to do so;
  - (3) Disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
  - (4) The disclosure is:-
    - (a) Reasonable in the public interest; and
    - (b) Made in good faith and in compliance with the reasonable requirements of the parish council; and

- (c) You have consulted the parish clerk and ERYC Monitoring Officer prior to its release.
- (5) You must not prevent another person from gaining access to information to which that person is entitled by law.
- (6) 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.
- (7) When using or authorising the use by others of the resources of the parish council you must:-
  - (1) Act in accordance with the parish council's reasonable requirements.
  - (2) Ensure that such resources are not used improperly for political purposes (including party political purposes).
  - (3) Have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

### (3) Registration of Interests

- (1) You must before the end of 28 days beginning on the day on which you become a Member of the parish council or within 28 days of any change in an interest or becoming aware of any new interest notify the Clerk and ERYC Monitoring Officer of:
  - (i) The following **Pecuniary Interests** of yourself, your spouse or civil partner, any person with whom you are living as husband or wife or any person with whom you are living as if they were a civil partner:
    - (a) Any employment, office, trade, profession or vocation carried on for profit or gain.
    - (b) Any payment or provision of any other financial benefit (other than from the parish council) 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. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
    - (c) Any contract which is made between any of the above named persons (or a body in which any of the above named persons have a beneficial interest) and the parish council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.
    - (d) Any beneficial interest in land which is within the area of the parish council.
    - (e) Any licence (alone or jointly with others) to occupy land in the area of the parish council for a month or longer.
    - (f) Any tenancy where (to your knowledge) the landlord is the parish council and the tenant is a body in which any of the above named persons have a beneficial interest.
    - (g) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of the parish council; and either the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or 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 any of the above named persons



has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

(ii) The following **Non-Pecuniary** interests of yourself:

- (a) Bodies to which you are appointed or nominated by the parish council (ie outside body appointments).
- (b) Bodies exercising functions of a public nature of which you are a Member (including regional and local development agencies, other (parish) councils, public health bodies, school governing bodies).
- (c) Bodies directed to charitable purposes of which you are a Member (including the Lions, the Masons, a Parochial Church Council; not just bodies registered with the Charity Commission).
- (d) Bodies whose principal purposes include influence of public opinion or policy (including any political party or trade union) of which you are a Member.
- (e) Any voluntary work undertaken by you.
- (f) Any person from whom you received in your capacity as a Member a gift or hospitality that amounts to the value of at least £25.
- (g) Any person employed by the parish council who is a member of your family.

(2) You need only notify the Monitoring Officer of any interests of which you are aware pursuant to paragraph (3) (1) above.

(3) Where you become a Member of the parish council as a result of a re-election or re-appointment you only need to disclose interests not already entered on the register.

(4) Where the nature of the interest is such that you consider that the disclosure of the interest could lead to you or a person connected with you being subject to violence or intimidation, (and the Monitoring Officer agrees) details of the interests will not be included in any published version of the register of interests save that the register will state you have an interest the details of which are withheld under section 32(2) of the Localism Act 2011.

#### (4) **Non - Pecuniary Interests**

(1) You have a non pecuniary interest in any business of the parish council where either it is likely to affect any of the bodies listed in paragraph 3(1)(ii) of the Code or, the decision in relation to that business might reasonably be regarded as affecting your well being, or financial position, or the well being or financial position of a relevant person to a greater extent than the majority of other Council tax payers, rate payers or inhabitants of the Parish affected by the decision.

(2) A relevant person is:-

- (a) A member of your family or any person with whom you have a close association, or
- (b) A person or body who employs or has appointed such persons any firm of which they are a partner or any company of which they are Directors.

- (3) Where you have a non-pecuniary interest in any business of the parish council and you attend a meeting of the parish council at which that business is considered you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration or when the interest becomes apparent.
- (4) Sub paragraph (3) only applies where you are aware or ought reasonably to be aware of the existence of the interest.
- (5) Where you have an interest but by virtue of paragraph 3(4) it is not registered in the parish council's register of interests you must indicate you have a non-pecuniary interest but need not disclose the sensitive information to the meeting.

**(5) Pecuniary Interests**

- (1) You have a pecuniary interest in any business of the parish council where you, your spouse or civil partner, any person with whom you are living as husband or wife or any person with whom you are living as if they were a civil partner have an interest that falls within sub paragraph (3)(1)(i) above.

**(6) Effect of Pecuniary Interest on participation**

- (1) Where you have a pecuniary interest in any business of the parish council and you attend a meeting at which the business is considered you must then:-
  - (a) Disclose the existence and nature of that interest at the commencement of that consideration or when the interest becomes apparent, subject to sub-paragraph (c) below.
  - (b) Withdraw from the room or Chamber where the meeting considering the business is being held.
  - (c) Do not participate in discussion of, or vote on the matter at the meeting (participate includes addressing a meeting of which you are not a member or addressing the Parish Council during a public participation session).
  - (d) If the pecuniary interest is a sensitive interest as set out in sub-paragraph (3)(4) above you need only disclose the fact that you have a pecuniary interest.