

EDALE PARISH COUNCIL

Localism Act 2011 (in force from 1st July 2012)

Updated Standards:

Code of Conduct for Members
Notification of Pecuniary and Other Interests
Openness and transparency on personal interests – A Guide for Councillors
Code of Conduct – Dispensations

- 1) An updated “Code of Conduct” and “Notification of Pecuniary and Other Interests” form was approved by the High Peak Borough Council Standards Committee in March 2015.

Under the rules of the act, it is permitted for Local Parish Councils to adopt the same Code of Conduct as their Borough Council

- 2) All Councillors agree to complete the revised Notification of Pecuniary and Other Interests forms within 28 days of coming to office. Following that any change to circumstances relating to Notification of Pecuniary and Other Interests must be submitted to the Borough Council within 28 days.

The Clerk agrees to scan and electronically submit these forms to the High Peak Borough Council, however it is the responsibility of the individual Councillor to ensure that any changes of circumstance are noted and the updated form is given to the Clerk in an appropriate timescale.

The original document will be returned to the Councillor.

A copy of the scanned submission is held by the Clerk in the following directory:

C:\Data\Edale Parish Council\Standing Orders\K-Notification of Interest submitted

- 3) An updated “Openness and transparency on personal interests - Guide for Councillors” was issued by the Department for Communities and Local Government in September 2013.
- 4) The “Code of Conduct – Dispensations”, approved by the High Peak Borough Council Standards committee 27/09/2012 and adopted by Edale Parish Council 13/02/2013 was re-adopted.

The Code of Conduct and associated documents listed above are adopted unanimously by the attending councillors of Edale Parish Council and are included in the Standing Orders, replacing previous standards as appropriate.

Attending Councillors:

Cllr. Tony Favell
Cllr. Cedric Gilbert
Cllr. Julie Morten
Cllr. Rosie Rumble
Cllr. Don Tennant

Proposed by: Cllr. Gilbert

Seconded by: Cllr. Tennant

Date of approval: 10th June 2015

Minute reference: 15/06/7.1

Code of Conduct for Members

1 Application

This Code of Conduct applies to me whenever I am acting in my capacity as a member of High Peak Borough Council, including –

- 1.1 at formal meetings of the Council, its Committees and Sub-Committees, its Executive and Executive Committees
- 1.2 when acting as a representative of the Authority
- 1.3 in taking any decision as an Executive member or a Ward Councillor
- 1.4 in discharging my functions as a ward Councillor
- 1.5 at briefing meetings with officers and
- 1.6 at site visits
- 1.7 when corresponding with the authority other than in a private capacity

2 General Conduct

2.1 As a member or co-opted member of High Peak Borough Council I will have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

2.2 In accordance with the Localism Act provisions, when acting in this capacity I will be committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this Authority

- **SELFLESSNESS**
Holders of public office should act solely in terms of the public interest.
- **INTEGRITY**
Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
- **OBJECTIVITY**
Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- **ACCOUNTABILITY**
Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

- **OPENNESS**
Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- **HONESTY**
Holders of public office should be truthful.
- **LEADERSHIP**
Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

2.3 As a Member of High Peak Borough Council my conduct will in particular address the statutory principles of the code of conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me – and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from ensuring that constituents' casework is appropriately pursued, the interests of the Borough's area or the good governance of the Authority in a proper manner.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of the Authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this Authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it.
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.

- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public, I engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Authority.

3 Disclosable Pecuniary Interests

This part explains the requirements of the Localism Act 2011 (Ss 29-34) and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 in relation to Disclosable Pecuniary Interests. These provisions are enforced by criminal sanction.

I will: -

- 3.1 comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which I have a Disclosable Pecuniary Interest.
- 3.2 ensure that my 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 my Disclosable Pecuniary Interests.
- 3.3 make an oral declaration of the existence and nature of any Disclosable Pecuniary Interest at any meeting at which I am 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, and leave the room where the meeting is held while any discussion or voting takes place.
- 3.4 "Meeting" means any meeting organised by or on behalf of the authority, including:–
 - 3.4.1 any meeting of the Council, or a Committee or Sub-Committee of Council;
 - 3.4.2 any meeting of the Executive and any Committee of the Executive;
 - 3.4.3 in taking a decision as a Ward Councillor or as a Member of the Executive;
 - 3.4.4 at any briefing by officers; and
 - 3.4.5 at any site visit to do with business of the Authority.

4 Other Interests

- 4.1 In addition to the requirements of Paragraph 3, if I attend a meeting at which any item of business is to be considered and I am aware that I have an interest in that item which may or may not be entered in my register of interests, I must make an oral 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.
- 4.2 I will have an interest, as referred to at 4.1 above, in an item of business of my Authority where –
 - 4.2.1 a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of me or a member of my family or a person with whom I have a close association to a greater extent than it would affect the majority of the Council Tax payers,

- ratepayers or inhabitants of the ward or electoral area for which I have been elected or otherwise of the authority's administrative area, or
- 4.2.2 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 my family (other than a "relevant person") or a person with whom I have a close association, or
- 4.2.3 it relates to an interest (other than a Disclosable Pecuniary Interest) entered in my register of interests,
- and that interest is not a Disclosable Pecuniary Interest.
- 4.3 Where I have an interest in accordance with 4.1 and 4.2 above then I will consider whether the nature of that interest is so significant that I should withdraw from participating in respect of the matter relating to that interest.

5 Gifts and Hospitality

- 5.1 I will, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which I have accepted as a member from any person or body other than the authority.
- 5.2 The Monitoring Officer will place my notification on a public register of gifts and hospitality.
- 5.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.

Appendix

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 –

<i>Interest</i>	<i>Prescribed description</i>
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) 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	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	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

<i>Interest</i>	<i>Prescribed description</i>
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(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;

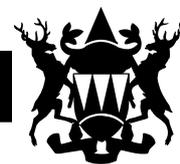
“member” includes a co-opted member;

“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 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.



STANDARDS COMMITTEE

Meeting: Thursday, 27 September 2012 at 4.30 p.m.

Present: Councillors Lomax, Quinn, Sloman and Thrane.

Parish Member – Councillor Martin
Independent Members – Mr P Matthews and Mrs G Brooke (substitute)

Councillors Faulkner, A McKeown and Norton were also in attendance.

13/05 **DECLARATIONS OF INTEREST**

(Agenda item 2)

Clarification would be sought on whether the Code of Conduct was applicable to Independent Members.

Mr P Matthews and Mrs G Brooke declared an 'other' interest in agenda item 5, "Independent Persons - Allowance" (reason: Independent persons).

13/06 **MINUTES**

(Agenda Item 3)

RESOLVED:

That the minutes of the meeting held on 26 June 2012 be approved.

13/07 **CODE OF CONDUCT – DISPENSATIONS**

(Agenda item 4)

The Committee considered a report on the grant of dispensations to Councillors in circumstances described within the report.

It was reported that Councillor Stone had also submitted a specific request for dispensation. Councillor Stone is a Children's Support Service Worker in Buxton, without a fixed hours contract and paid for a maximum of 4 hours per week.

Consideration also took place on the scope for drafting a de minimis clause, clarifying the size or nature of interests considered to be insignificant and not needing to be declared.

RESOLVED:

1. That general dispensations be granted to all councillors, under Section 33 (2) of the Localism Act 2011 in respect of the following circumstances for a period of four years from the date awarded:
 - An allowance, payment or indemnity given to members.



- Any ceremonial honour given to members.
 - Setting council tax or a precept under the Local Government Finance Act 1992 as amended from time to time or any superseding legislation.
 - Housing, where the councillor is a tenant of the authority provided that those functions do not relate particularly to the councillor's tenancy or lease.
 - Setting the local council tax support scheme for the purposes of the Local Government Finance Act 2012 as amended from time to time or any superseding legislation.
 - Setting a local scheme for the payment of business rates, including eligibility for rebates and reductions, for the purposes of the Local Government Finance Act 2012 as amended from time to time or any superseding legislation.
2. That Councillor Stone be granted a specific dispensation under Section 33 (2) of the Localism Act 2011 in respect of her employment as a Children's Support Service Worker until the end of her term of office.

(Mr P Matthews and Mrs G Brooke left the meeting before consideration of the following item.)

13/08

INDEPENDENT PERSONS – ALLOWANCES

Consideration was given to the payment of allowances to the Council's Independent Person and their substitutes.

RESOLVED:

1. That the Council's Independent Person and his substitutes receive an allowance of the same level as paid to the previous Independent Members of the Standards Committee.
2. That the payment of allowances to the Council's Independent Person and their substitutes be reviewed early in 2015 and a recommendation made to the next administration.

The meeting concluded at 4.47 pm.

CHAIR

AGENDA ITEM 4

HIGH PEAK BOROUGH COUNCIL

Report to Standards Committee

27 September 2012

TITLE:	Code of Conduct - Dispensations
EXECUTIVE COUNCILLOR:	Councillor Tim Norton, Executive Councillor for Corporate Services
CONTACT OFFICER:	Linden Vernon, Member Services Manager
WARDS INVOLVED:	Non-specific

1. Reason for the Report

- 1.1 To consider the grant of dispensations to councillors in circumstances as described within the report.

2. Recommendation

- 2.1 That general dispensations be granted to all councillors, under Section 33 (2) of the Localism Act 2011 in respect of the circumstances given in paragraphs 6.4 and 6.7 of the report for a period of four years from the date that it is given.

3. Executive Summary

- 3.1 The provisions on dispensations from councillors taking part in or voting on matters were significantly changed by the Localism Act 2011.
- 3.2 Section 33 of the Act made provision for the circumstances where dispensations may be granted and are detailed in paragraph 6.2 of this report. The power to grant dispensations has been delegated by Council to the Standards Committee in consultation with the Independent Person.
- 3.3 Previously, under the old Code of Conduct, general exemptions were provided to all councillors with regard to prejudicial interests in any business of the authority where that business related to certain functions of the authority.

3.4 The new arrangements do not reproduce these exemptions and as a result councillors would effectively breach the Code of Conduct should they take part in a meeting where any of these matters were being discussed and they have a disclosable pecuniary interest in the matter. Where these circumstances arise it would appear prudent for a general dispensation be granted to apply to all councillors. It is recommended that this general dispensation should run for four years from the date that it is given.

4. **How this report links to Corporate Priorities**

4.1 Not applicable.

5. **Implications**

5.1 Community Safety - (Crime and Disorder Act 1998)

None

5.2 Workforce

None

5.3 Equality and Diversity/Equality Impact Assessment

This report has been prepared in accordance with the Council's Diversity and Equality Policies.

5.4 Financial Considerations

None

5.5 Legal

As detailed in the report.

5.6 Sustainability

None

5.7 Internal and External Consultation

As reported to Standards Committee

5.8 Risk Assessment

None

Mark Trillo

Executive Director (Customer Services) & Monitoring Officer

**Web Links and
Background Papers**
Localism Act 2011
Report to Standards
Committee 26 April 2012

Location
Glossop Municipal
Buildings

Contact details
Linden Vernon
Member Services Manager
Tel: 01298 28400 Ext 2141.

6. Background

- 6.1 The provisions on dispensations from councillors taking part in or voting on matters were significantly changed by the Localism Act 2011. These were reported to this Committee on 26 April 2012 and to Council on 8 May 2012, which subsequently approved delegated power to grant dispensations to the Standards Committee, after consultation with the Independent Person.
- 6.2 The grounds for the grant of a dispensation under Section 33 (2) of the Act are as follows:
- (a) Without the dispensation the number of members that would be prohibited from participating/voting would be so great that, it would impede any particular transaction of business.
 - (b) Without the dispensation the strengths of political groups on the body would be so upset as to alter the likely outcome of any vote on the matter
 - (c) The grant of the dispensation would be in the interests of the inhabitants of the authority's area.
 - (d) Without the dispensation, every member of the Executive would have a Disclosable Pecuniary Interest prohibiting them from participating/voting.
 - (e) It is otherwise appropriate to grant the dispensation
- 6.3 Any grant of dispensation must specify how long it lasts for, up to a maximum of four years.
- 6.4 Previously, under the old Code of Conduct, general exemptions were provided to all councillors with regard to prejudicial interests in any business of the authority where that business related to functions of the authority in respect of:
- An allowance, payment or indemnity given to members.
 - Any ceremonial honour given to members.
 - Setting council tax or a precept under the Local Government Finance Act 1992 as amended from time to time or any superseding legislation.
 - Housing, where the councillor is a tenant of the authority provided that those functions do not relate particularly to the councillor's tenancy or lease.
- 6.5 The new arrangements on interests do not reproduce these exemptions and as a result councillors would effectively breach the Code of Conduct should they take part in a meeting where any of these matters are being discussed and they have a disclosable pecuniary interest in the matter.

- 6.6 Where these circumstances arise it would appear prudent for a general dispensation be granted to apply to all councillors. It is recommended that this general dispensation should run for four years from the date that it is given.
- 6.7 It is also proposed that general dispensations should be granted on these terms for the following decisions which will in the future be made by the Council as a result of the change in relevant legislation:
- Setting the local council tax support scheme for the purposes of the Local Government Finance Act 2012 as amended from time to time or any superseding legislation.
 - Setting a local scheme for the payment of business rates, including eligibility for rebates and reductions, for the purposes of the Local Government Finance Act 2012 as amended from time to time or any superseding legislation.
- 6.8 The restrictions on councillors taking part in decisions where they are in arrears in Council Tax (Local Government Finance Act 1992, s106) cannot be dispensed with under the new regime and remain in force.