

MERTON PARISH COUNCIL

CODE OF CONDUCT.

This document sets out Merton Parish Councils approved and agreed practices. Any deviation must be made by resolution of the full Council and recorded below.

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Signed *S. Papworth* Chairman

Date 13.5.19

The original signed document is held by the Clerk.

MERTON PARISH COUNCIL CODE OF CONDUCT.

Introduction:

Pursuant to section 27 of the Localism Act 2011, Merton Parish 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 Public Life which should be borne in mind when interpreting the meaning of the Code:-

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

Definitions:

- A 'co-opted member' is a person who is Elected by the Council to be a full member of the Council, and is entitled to vote on any question that falls to be decided at any meeting of that Council.
- For the purposes of this Code, a 'meeting' is a meeting of the Council.
- 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:

As a member of the Council when you act, claim to act or gives the impression of acting as a representative of the Council, you have to the following obligations:

1. You must treat others with respect, including members of the public, officers of the Council and any other person with whom you come into contact.
2. You must not bully or intimidate or attempt to bully or intimidate any person.

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3. You must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.
4. You must not do anything or act in any way which could reasonably be regarded as bringing either your office of Member or the Council into disrepute.
5. (i) You must not disclose information given to you in confidence by anyone, or information acquired by you or provided to you by the Council which you believe, or ought reasonably to believe, is of a confidential nature or is capable of being treated as confidential.

(ii) For the avoidance of doubt, information covered by and dealt with by schedule 12A of the Local Government Act 1972 (Part 2 information) is included within 5(i) above.

(iii) Exceptions to the requirement in 5(i) above may arise where you have consent to disclose the information given to you by someone authorised to do so, where you are required by the law to disclose the information, where the disclosure is to a third party for the purpose of obtaining professional advice and the third party agrees not to disclose the information to any other person or where the disclosure is reasonable and in the public interest and made in good faith and in accordance with the requirements of the Council.
6. You must not do anything which may lead the Council to be in breach of any legislation or act in a way which is otherwise unlawful.
7. You must have regard to any relevant advice provided to you by the Council's officers and other external bodies or officers.
8. 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.
9. In taking decisions you must exercise independent judgement, take into account all relevant considerations and views, and you must give reasons for your decisions in an open and transparent manner.
10. You must not use the resources of the Council for purposes which conflict with the Council's requirements or for political or personal purposes.
11. You must treat everyone equally, impartially and fairly and represent the residents of the whole of the Parish.

Registration of interests:

1. 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), they shall register with the Monitoring Officer, via the Clerk the interests which fall within the categories set out in Appendices A and B.
2. Upon the re-election of a member or the re-appointment of a co-opted member, they shall within 28 days re-register via the Clerk with the Monitoring Officer any interests in Appendices A and B.
3. A member shall register with the Monitoring Officer via the Clerk any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.
4. A member need only declare the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if

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disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

Prejudicial Interests:

If you do not have a Disclosable pecuniary interest (Appendix A) in a matter, you will have a prejudicial interest in a matter where:-

- (i) a decision on that matter would affect the well-being or financial position of any relevant person, member of your family or close associate more than it would affect the majority of people living within the ward or electoral division affected by the decision and
- (ii) a reasonable member of the public with knowledge of the relevant facts would reasonably think that your interest was so significant that it is likely to prejudice your judgement of the public interest.

Declaration of interests at meetings:

- 1) If you attend a meeting of the Council and have and are aware that the business being conducted at that meeting affects a Disclosable Pecuniary Interest (Appendix A) or a Registerable Interest (Appendix B) or is such that you would have a Prejudicial Interest in the business:-
 - (i) you must, disclose to the meeting that you have a Disclosable Pecuniary Interest, a Registerable Interest or Prejudicial Interest in that matter and if you have not done so already, you must also notify the Monitoring Officer via the Clerk of the interest in writing within 28 days of the meeting,
 - (ii) unless a Dispensation has been granted, you must NOT participate, or participate further once the interest is known, in any discussion of the matter at the meeting, or participate in any vote, or further vote, taken on the matter at the meeting, and
 - (iii) must leave the room whilst discussion on the matter is taking place.
2. If your interest in a matter being discussed at a meeting of the Council is a Registerable Interest falling within Appendix B (i) you may remain in the room and participate in the discussion on the matter and may also take part in the vote taken on the matter.
3. Where you consider that the information relating to any of your interests is sensitive information, and the Monitoring Officer agrees, you need not include that information when registering that interest, at a meeting the member shall disclose they have an interest but not the nature of it.

You must, within 28 days of becoming aware of any change of circumstances which means that this information is no longer sensitive information, notify the Monitoring Officer, via the Clerk, asking that the information be included in the Register of Members' Interests.

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Dispensations:

Section 33 of the Localism Act 2011 makes provision for the granting of a dispensation allowing a Member with a Disclosable Pecuniary Interest in a matter to speak and/or vote on that matter.

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 they 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.

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Revision History

Date	Version	Notes
01-Jan-2014	1.0	Adopted Torridge model
13-May-2019	2.0	Removed gender specific terms Clarified Interests Clarified Principles of public life.

(Appendix's A & B on next page)

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Appendix A: A Disclosable Pecuniary Interest is an interest described below relating to the member and/or their spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners:

Interest	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 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, including 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 Council under which goods or services are to be provided or works are to be executed and which has not yet been fully discharged.
Land	Any beneficial interest in land which is within the area of the Council
Licences	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.
Corporate Tenancies	Any tenancy where (to your knowledge) the landlord is the Council and the tenant is a body in which a Relevant Person has a beneficial interest, including a firm in which the relevant Person is a partner or a body corporate in which the relevant person is a director, or in the securities of which the Relevant Person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where:- (a) that body, to your 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.

Appendix B

The following shall be Registerable Interests:-

- (i) membership of any body to which you have been appointed or nominated by the Council,
- (ii) any body—
 - (a) exercising functions of a public nature;
 - (b) directed to charitable purposes; or
 - (c) whom one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
- (iii) the name and the interests of any person or body from whom you have received a gift or hospitality with an estimated value of at least £25.00,

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