

Thursford Parish Council

Code of Conduct, Interests and Dispensations Policy

Background

Local Authorities are required to adopt a Code of Conduct. There is no mandatory code. However the National Association of Local Councils - NALC have published a suggested Code which sets out rules governing the behaviour of their members and satisfies the requirements of the Localism Act 2011. All elected, co-opted and independent members of local councils, are required to abide by their own, formally adopted, Code. The Code of Conduct seeks to ensure that members observe the highest standards of conduct in their civic role. The Code is intended to be consistent with the seven Nolan principles:

Seven General Principles of Conduct

1. **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.
2. **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.
3. **Objectivity** - In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards or benefits, holders of public office should make choices on merit.
4. **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.
5. **Openness** - Holders of public office should be as open as possible about 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.
6. **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.
7. **Leadership** - Holders of public office should promote and support these principles by leadership and by example, and should act in a way that secures or preserves public confidence.

Parish Council Members' Code of Conduct

Following election, or co-option a member signs a declaration of acceptance of office and agrees to sign up to the Code of Conduct. This includes the legal requirement to complete the register of pecuniary interests (Disclosable Pecuniary Interests DPI) as provided by the District / Borough Council. A member must complete that register within 28 days of becoming a councillor and they have a duty to maintain that register. The Clerk keeps a copy of the forms and can upload this onto the council's

website but must give a copy to the Monitoring Officer of the District Council for uploading on their website.

Pecuniary Interests in Matters Considered at Meetings

Section 31 of the Localism Act 2011 sets out what a member must do if he or she has (and is aware that he or she has) a disclosable pecuniary interest in a matter which is to be considered or is being considered at a meeting at which the member is present. Section 31 applies to all councillors and to the very few co-opted members of committees who are not councillors but who are allowed (by law) to vote on certain committee decisions. While a member does not have to declare a DPI at the start of the meeting (i.e. when the agenda item has been reached which requests 'receive interest and requests for dispensations' it is considered best practise to do so (refer to the Nolan principles).

Other interests in matters considered at Meetings

Where a member may have an interest which is not necessarily a DPI, but might, for example be, where they know the applicant of a planning application very well, then they still have a duty to declare that interest and request a dispensation.

A Disclosable Pecuniary Interest

A 'disclosable pecuniary interest' is an interest of **either** the member or co-opted member **or** the member's or co-opted member's spouse or civil partner. There are national rules relating to disclosable pecuniary interests as laid down in Chapter 7 of the Localism Act 2011 www.legislation.gov.uk. It is a criminal offence to break those rules. It is not necessary for a member to disclose an interest at a meeting if that interest is on his / her interests form – but it is good practice to do so. It is also important for the member to disclose an interest, which might not be on their interests form, but which may be seen to affect their decision. A member should also disclose an unregistered interest which should be on their interest forms. Members interests are on the website of North Norfolk District Council. www.northnorfolk.org

The Interest Form

DPI's are prescribed by a Statutory Instrument. They include:
Employment, office, trade, profession or vocation – activities carried out for profit or gain.
Sponsorship – payment for expenses e.g. Trade Union
Contracts – a contract between the member and the local authority
Land – interest in land within the local authority area and this includes properties.
Licences – any licence (alone or joint) to occupy land in the local authority area.
Corporate tenancies – any tenancy where the landlord is the local authority or the member has a beneficial interest
Securities – broadly, a beneficial interest in the securities of a body which has a place of business or land in the local authority area or total nominal value of securities exceeding £25,000.

An item which is sensitive need not be disclosed but mention of a sensitive DPI will be included on the register.

Granting a Dispensation

So, in what circumstances may a dispensation be granted to a member to remove from that member the prohibition on taking part in a discussion and/or a vote on a matter in which he or she has a disclosable pecuniary interest?

Section 33 says that a relevant authority (which, for our purposes, means the member's own parish or town council) may grant a dispensation relieving the member from either or both of the restrictions in section 31(4) in cases described in the dispensation. But, it may only do so in response to a written request made to the proper officer of the authority by the member concerned.

A Council may grant a dispensation under section 33 only if, after having had regard to all relevant circumstances, the authority considers that:

- without the dispensation, the number of members or co-opted members prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or
- without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; or
- granting the dispensation is in the interests of persons living in the authority's area; or
- it is otherwise appropriate to grant a dispensation.

A dispensation granted under section 33 must specify the period for which it has effect, and that period may not exceed four years. The member can take part in that decision-making process.

Thursford Parish Council Procedure for dispensation requests

There is an early agenda item for every meeting 'Receive interests and requests for dispensations'.

The right to grant a dispensation is given by the Council.

The request for the dispensation should be made in writing to the Clerk at least the day before the meeting.

It is considered by the Council at the agenda item 'Receive interests and requests for dispensations'.

If a member realises during the course of the meeting that they have an interest in an item (whether on their interest form or not) then they should then declare this and request a dispensation.

Note that you will not need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support, which is in any event a decision affecting the generality of the public in the area of your council, rather than you as an individual.

The handling of dispensations is recorded in standing orders but it is noted that the Council may also delegate (to a committee or to an officer) the power to grant dispensations, relying on s 101 of the Local Government Act 1972.