



City of Newcastle upon Tyne

Brunswick Parish Council

Local Government Act 2000 - Part III

Code of Conduct (No 2)

Effective from 10 May 2007

**Adopted by resolution at a meeting of the Brunswick Parish Council
held on 9 May 2007**

INTRODUCTION

The Parish Council adopted its first Code of Conduct in accordance with section 51 of the Local Government Act 2000 in 2002.

This Code of Conduct has been prepared and adopted following the issue of a revised model Code of Conduct by the Secretary of State for Communities and Local Government.

To whom does it apply?

It applies to both members who are councillors (whether by election or co-option) and to co-opted members of committees or sub-committees of the Parish Council (provided that they have voting rights).

Written Undertaking

All councillors upon election must undertake to observe the Code when entering into the statutory declaration of acceptance of office. All new co-opted members of committees or sub-committees of the Parish Council (provided that they have voting rights) must sign an undertaking to observe the Code before acting as a member.

The Purpose of the Code

The Code defines the standards of conduct which will be required of members of the Parish Council in carrying out their duties, and in their relationships with the Parish Council and the Parish Council's officers. The Code represents the standards against which the public, their fellow members, the Standards Board for England and the Parish Council's Standards Committee will judge their conduct.

Any person may make a written complaint to the Standards Board for England that a member has acted in breach of the Code, which will secure the investigation of the complaint, which may lead to sanctions being applied to the member by a Case Tribunal or by the Parish Council's Standards Committee.

Local Variations

The Parish Council has adopted a local variation as a local protocol. This is set out in [*italics*] in the main body of the Code.

The Standards Board for England

The Standards Board for England can be contacted as follows: -

The Standards Board for England
Fourth Floor
Griffin House
40 Lever Street
Manchester
M1 1BB
Enquiries: 0161 817 5300
Fax: 0161 8175499

E-mail: enquiries@standardsboard.gov.uk
Internet: www.standardsboard.gov.uk

The Parish Council's Standards Committee

The Standards Committee for Parish Councils with the City of Newcastle upon Tyne is the Standards (Parish Councils) Sub-Committee set up by Newcastle City Council. It comprises members from each of the six Parish Councils in the City, members of Newcastle City Council and independent members.

Further details about the Sub-Committee can be obtained from: -

Head of Democratic Services
Newcastle City Council
Civic Centre
Newcastle upon Tyne
NE99 2BN

Tel: 0191 211 5159
Fax: 0191 211 4942

E-mail: ian.poll@newcastle.gov.uk

The Monitoring Officer

The Monitoring Officer for the Parish Councils in the City of Newcastle upon Tyne is the Monitoring Officer for Newcastle City Council:-

Valerie A Dodds
Head of Legal Services
Civic Centre
Newcastle upon Tyne
NE99 2BN

Tel: 0191 211 5103
Fax: 0191 277 7127

E-mail: valerie.a.dodds@newcastle.gov.uk

Registration of Members' Interests

Members are required under the Code to register details of financial and other interests (including the receipt of gifts and hospitality) by giving written notice to the Monitoring Officer. Written notice must also be given of any changes.

Notification should be given to the following: -

The Monitoring Officer
c/o The Head of Democratic Services
Newcastle City Council
Civic Centre
Newcastle upon Tyne
NE99 2BN

Tel: 0191 211 5159
Fax: 0191 211 4942

E-mail: ian.poll@newcastle.gov.uk

Members may obtain notification forms from this address or from the Parish Clerk.

Inspection of the Register

The Register is available for inspection by members of the public at the following addresses:-

The Office of the Head of Democratic Services (via the Customer Service Centre)
Newcastle City Council
Civic Centre
Newcastle upon Tyne

Mondays to Fridays (excluding public holidays) between 8.30 am and 4.30 pm.

or

Mr R Gray
The Clerk to the Brunswick Parish Council
PO Box 550
Whitley Bay
Tyne & Wear
NE25 9ZD

Tel: 07970903868

CODE OF CONDUCT

Part 1 General provisions

Introduction and interpretation

1. — (1) This Code applies to **you** as a member of an authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code—
- "meeting" means any meeting of—
- (a) the authority;
- (b) any of the authority's committees, sub-committees, joint committees, joint sub-committees;
- "member" includes a co-opted member and an appointed member.
- (5) In relation to a parish council, references to an authority's monitoring officer and an authority's standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2. — (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—
- (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
- (b) act, claim to act or give the impression you are acting as a representative of your authority,
- and references to your official capacity are construed accordingly.
- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

- (5) Where you act as a representative of your authority—
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

- 3. — (1) You must treat others with respect.
 - (2) You must not—
 - (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be—
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
 - (3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.
4. You must not—
- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is —
 - (aa) reasonable and in the public interest; and

- (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
6. You—
- (a) 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; and
 - (b) must, when using or authorising the use by others of the resources of your authority—
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
7. — (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—
- (a) your authority's chief finance officer; or
 - (b) your authority's monitoring officer,
- where that officer is acting pursuant to his or her statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.
- [(3) *When reaching decisions on any matter you must also have regard to any relevant advice provided to you by your authority's clerk.*]**

Part 2 Interests

Personal interests

8. — (1) You have a personal interest in any business of your authority where either—
- (a) it relates to or is likely to affect—
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body—
 - (aa) exercising functions of a public nature;

- (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
 - of which you are a member or in a position of general control or management;
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in your authority's area in which you have a beneficial interest;
 - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a 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—
- (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
 - (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
 - (iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

- (2) In sub-paragraph (1)(b), a relevant person is—
- (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

- 9. —** (1) Subject to sub-paragraphs (2) to (5), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the 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.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

Prejudicial interest generally

- 10. —** (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business—
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

- (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
- (c) relates to the functions of your authority in respect of—
 - (i) *(this sub-paragraph does not apply to your authority).*
 - (ii) *(this sub-paragraph does not apply to your authority).*
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

11. *(this paragraph does not apply to your authority).*

Effect of prejudicial interests on participation

12. — (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee; and
 - (b) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

**Part 3
Registration of Members' Interests**

Registration of members' interests

13. — (1) Subject to paragraph 14, you must, within 28 days of—

- (a) this Code being adopted by or applied to your authority; or
- (b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

- 14.** — (1) where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.
 - (3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.