



# Marks Tey Parish Council

## Code of Conduct for Councillors

I as a councillor of Marks Tey Parish Council Confirm I have read and agree to the following Code of Conduct for Councillors.

Council Signature .....

Councillor Name .....

Date .....

## **Introduction**

Pursuant to section 27 of the Localism Act 2011, Marks Tey Parish 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 Nolan Principles 1995. principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

## **Definitions**

For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint subcommittee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

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.

## **Nolan Principles of Public Life**

### **1. Selflessness**

Holders of public office should act solely in terms of the public interest.

### **2. 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.

### **3. Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### **4. 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.

### **5. 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.

### **6. Honesty**

Holders of public office should be truthful.

### **7. 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.

### **Member obligations**

Members are expected to adhere to the Nolan principles. When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations.

- a. He/she shall behave in such a way that a reasonable person would regard as respectful.
- b. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
- c. He/she shall not seek to improperly confer an advantage or disadvantage on any person.
- d. He/she shall use the resources of the Council in accordance with its requirements.
- e. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.

### **Registration of interests**

- f. 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), he/she shall register with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B.
- g. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B.
- h. A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.
- i. 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 disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

### **Declarations of interest at meetings**

- j. Where a matter arises at a meeting which relates to an interest in Appendix A the member shall not participate in a discussion or vote on the matter. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it.
- k. Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.
- l. Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting.
- m. A member only has to declare his/her interest in Appendix B if it is not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter. If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.
- n. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest in Appendix A), the member shall disclose the nature of the interest and not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

## Dispensations

- o. 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 he/she 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.

## Appendix A

Interests described in the table below

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocations carried on for profit or gain by the member or by his / her spouse or civil partner or by the person with whom the member is living as if they were spouses / civil partners
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him / her in carrying out his / her duties as a member, or towards his / her 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
Contracts	Any contract made between the member or his / her spouse or civil partner or by the person with whom the member is living as if they were spouses / civil partners, (or a firm in which such person is a partner or an incorporated body of which such person is a director <sup>1</sup> or a body that such person has a beneficial interest in the securities of <sup>2</sup> ) and the Council – <ol style="list-style-type: none"> <li>a. Under which goods or services are to be provided or works are to be executed; and</li> <li>b. Which has not yet been fully discharged</li> </ol>
Land	Any beneficial interest in land held by the member or by his / her spouse or civil partner or by the person with whom the member is living as if they were spouses / civil partners which is within the area of the Council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the member or his / her spouse or civil partner or by the person with whom the member is living as if they were spouses / civil partners (alone or jointly with another) a right to occupy or to receive income
Licenses	Any licence (alone or jointly with others) held by the member or by his / her spouse or civil partner or by the person with whom the member is living as if they were spouses / civil partners to occupy land in the area of the Council for a month or longer
Corporate tenancies	Any tenancy where (to a members knowledge) – <ol style="list-style-type: none"> <li>a. The landlord is the Council; and</li> <li>b. The tenant is a body of the member, or his / her spouse or civil partner or by the person with whom the member is living as if</li> </ol>

<sup>1</sup> 'Director' includes a member of the committee of management of an industrial and provident society

<sup>2</sup> '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

	they were spouses / civil partners is a partner of or a director <sup>3</sup> of or has a beneficial interest in the securities <sup>4</sup> of.
Securities	Any beneficial interest held by the member or his / her spouse or civil partner or by the person with whom the member is living as if they were spouses / civil partners in securities <sup>5</sup> of a body where – <ul style="list-style-type: none"> <li>a. That body (to the member's knowledge) has a place of business or land in the area of the Council; and</li> <li>b. Either <ul style="list-style-type: none"> <li>i. The total nominal value of the securities<sup>6</sup> exceeds £25000 or one hundredth of the total issued share capital of that body or</li> <li>ii. If the share capital of that body is more than one class, the total nominal value of the shares of any one class in which the member, or his / her spouse or civil partner or by the person with whom the member is living as if they were spouses / civil partners has a beneficial interest exceeds one hundredth of the total issues share capital of that class</li> </ul> </li> </ul>

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<sup>3</sup> See footnote 1

<sup>4</sup> See footnote 2

<sup>5</sup> See footnote 2

<sup>6</sup> See footnote 2

## Appendix B

An interest which relates to or is likely to affect:

- c. any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- d. any body
  - (a) exercising functions of a public nature;
  - (b) directed to charitable purposes; or
  - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which the member of the Council is a member or in a position of general control or management;
- e. any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.

Adopted 1 September 2014  
Approved 12 September 2016 Minute Ref 2016/398  
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Approved 8 October 2018 Minute Ref 2018/230  
Approved 12 October 2020 Minute Ref 2020/178  
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