

Newbury Town Council

Members Code of Conduct

May 2019

Pursuant to section 27 of the Localism Act 2011, Newbury Town 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 selflessness, integrity, objectivity, accountability, openness, honest 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 sub-committee 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, subcommittees, 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.

Application

This Code applies to Councillors and Co-Opted Members whenever they are acting, claiming to act, or giving the impression they are acting in their Capacity as a Councillor or Co-Opted Member.

(Where a councillor is not acting with Capacity no breach of this Code is likely to occur.)

It is a Councillor's or a Co-Opted Member's personal responsibility to comply with this Code.

Should a complaint be made against a Councillor or Co-Opted Member it will be dealt with in accordance with the Act and its supporting regulations.

If a Councillor or Co-Opted Member needs any guidance on any matter relating to this Code, they should seek it from the Chief Executive Officer or their own legal adviser (but it is repeated that it is entirely their personal responsibility to comply with the provisions of this Code).

General Obligations

Councillors and Co-Opted members must treat other councillors and co-opted members, officers, members of the public and service providers with courtesy and respect.

When involved in the decision making of the Council:

- ensure that they are aware of and comply with the requirements of the Bribery Act 2010;
- have regard to any advice provided to them by the Council's Chief Executive Officer or other members of the council's management team pursuant to their statutory duties;
- give reasons for decisions made in accordance with any legal requirements and/or reasonable requirements of the Council.

When using or authorising the use by others of the resources of the Council, use the resources properly and in accordance with the Council's relevant policies.

Have regard to the applicable Local Authority Code of Publicity under the Local Government Act 1986.

Councillors and Co-Opted Members **must not**:

- Engage in bullying or intimidating behaviour or behaviour which could be regarded as bullying or intimidation.
- Do anything which may cause the Council to breach any of the equality enactments as defined in section 33, Equality Act 2006.
- Disclose information given to them in confidence or information acquired by them which they believe or are aware is of a confidential nature except where:
 - they have the consent of a person authorised to give it;
 - they are required to do so by law;
 - the disclosure is made to a third party for the purpose of obtaining professional legal advice;
 - the disclosure is reasonable and in the public interest;
 - the disclosure is made in good faith and in compliance with the reasonable requirements of the Council or its professional advisers.
- Prevent another person from accessing information if that person is entitled to do so by law.
- Improperly use knowledge gained solely as a result of their role as a Councillor for the advancement of their Disclosable Pecuniary Interests.
- Conduct themselves in a manner which could reasonably be regarded as bringing their office or the Council into disrepute.

Registration of interests

Within 28 days of this Code being adopted by the Council, or the member's election or the cooped member's appointment (where that is later), he/she shall register with the Chief Executive Officer the interests which fall within the categories set out in Appendices A and B.

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 Chief Executive Officer any interests in Appendices A and B.

A member shall register with the Chief Executive Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.

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.

Declaration of interests at meetings

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 Chief Executive Officer of it.

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.

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.

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 Chief Executive 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 Chief Executive Officer, he/she shall declare the interest but not the nature of the interest.

Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest of a person 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

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.

Interests described in the table below.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation 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	<p>Any contract made between the member or his/her spouse or civil partner or 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* or a body that such person has a beneficial interest in the securities of*) and the Council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	<p>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 partner which is within the area of the Council.</p> <p>'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 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.</p>
Licences	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	<p>Any tenancy where (to the member's knowledge)—</p> <p>(a) the landlord is the Council; and</p> <p>(b) the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest 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 in securities* of a body where—</p> <p>(a) that body (to the member's knowledge) has a place of business or land in the area of the Council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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 member, or his/her spouse or civil partner or 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 issued share capital of that class.</p>

*'director' includes a member of the committee of management of an industrial and provident society.

**'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.

An interest which relates to or is likely to affect:

(a) 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;

(b) any body—

(i) exercising functions of a public nature;

(ii) directed to charitable purposes; or

(iii) 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;

(c) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.