



Code of Conduct for Members

1. Nelson Town Council (“The Council”) has adopted the following code dealing with the conduct that is expected of members and co-opted members of the Council (“Members”) when they are acting in that capacity as required by section 27 of the Localism Act 2011 (“the Act”).
2. The Council has a statutory duty under the Act to promote and maintain high standards of conduct by Members and the Code sets out the standards that the Council expects Members to observe.
3. The Code is not intended to be an exhaustive list of all the obligations that are placed on Members. It is the responsibility of individual Members to comply with the provisions of the Code as well as such other legal obligations as may apply to them from time to time. Failure to do so may result in a sanction being applied by the Council. Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and a fine of up to £5,000 and/or disqualification from office for a period of up to 5 years.
4. The code is intended to be consistent with the seven principles as attached to this and applies whenever a person is acting in his/her capacity as a Member of the Council or co-opted member in the conduct of the Council’s business or acting as a representative of the Council on any external organisation and otherwise acting in their official capacity. The Code of Conduct does not apply to what Members do in their purely private and personal lives.
5. When acting in your capacity as a Member:
 - (1) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
 - (2) You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
 - (3) When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
 - (4) You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
 - (5) You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.
 - (6) You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the

public interest, including registering and declaring interests in a manner conforming with the procedures set out in section six of the code (below).

- (7) You must always treat people with respect, including the organisations and public you engage with and those you work alongside.
- (8) You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly (including for political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- (9) You must behave in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.
- (10) You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.
- (11) You must take account of relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.

6. Registering and declaring disclosable pecuniary and other registrable interests

- (1) You must, within 28 days of taking office as a member or co-opted member, notify your Council's Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners. These interests and those at (2) below are shown attached to this code.
- (2) In addition, you must, within 28 days of taking office as a member or co-opted member, notify your Council's Monitoring Officer of any disclosable pecuniary or non-pecuniary interest which your Council has decided should be included in the register.
- (3) If an interest has not been entered onto the Council's register, then the member must disclose the interest to any meeting of the Council at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest' as described by the Localism Act 2011.
- (4) Following any disclosure of an interest not on the Council's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.
- (5) Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your Council places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your Council.
- (6) A "meeting" includes meeting of the full Council, Committees and Sub-Committees. A "sensitive interest" is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest and the nature of the interest being such that

the member or co-opted member and the authority's Monitoring Officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

7. Disclosable Pecuniary Interests

The following interests are Disclosable Pecuniary Interests (under the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012)

SUBJECT	PRESCRIBED
Employment, office trade, profession or vocation	An 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 relevant authority) ("relevant authority" means the authority of which M is a member) made or provided within the relevant period ("relevant period" means the period of 12 months ending with the day on which M gives a notification for the purposes of Section 30(1) of the Act) in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. 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 which is made between the relevant person (or a body in which the relevant person ("relevant person" means M or any other person referred to in Section 30(3)(b) of the Act) has a beneficial interest ("body in which a person has a beneficial interest" means a firm in which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest) ("director" includes a member of the committee of management of an industrial and provident society) and the relevant authority – (a) under which the goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority ("land" does not include an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income ("relevant authority" means the authority of which M is a member).
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate Tenancies	Any tenancy where (to M's knowledge) – (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where –

	<p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either –</p> <p>(c) 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>(d) 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.</p> <p>("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).</p>
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8. Register of Interests

(1) The Borough Council's Monitoring Officer has to establish and maintain the Register of Interests for all members and co-opted members of all Parish and Town Councils in the Borough.

(2). Entries can be deleted where a member or co-opted member no longer has that interest or the person concerned is no longer a member or co-opted member.

(3). The Borough Council's Register has to be made available for inspection at "a place in the authority's area at all reasonable hours" and published on the Borough Council's website.

(4). For Parish and Town Council Registers:

(a) These have also to be made available for inspection at "a place in the authority's area at all reasonable hours";

(b) A copy has to be published on the Borough Council's website.

(c) If the Parish or Town Council has a website, a copy has to be published on there also.

9. Disclosure of Interests for the Register

(1) Members and co-opted members have to disclose all their Disclosable Pecuniary Interests to the Monitoring Officer within 28 days of becoming a member or co-opted member. The Disclosable Pecuniary Interests of the following are treated as being Disclosable Pecuniary Interests of the member:

(a) The member's spouse or civil partner;

(b) A person with whom the member is living as husband and wife;

(c) A person with whom the member is living as if they were civil partners.

AND the member or co-opted member is aware that the other person has the interest.

(2) The Borough Council's Monitoring Officer has to record in the register all the interests which are notified to him, even if these aren't Disclosable Pecuniary Interests.

10. Disclosure of Interests at Meetings

(1) These disclosure obligations apply to meetings of a Council, including committees, subcommittees, joint committees and joint sub-committees.

- (2) If a member has a Disclosable Pecuniary Interest in a matter to be considered, or being considered, at any of the meetings described above and they are aware of this fact, then the member must not:
 - (a) participate, or participate further, in any discussion of the matter at the meeting,
 - (b) participate in any vote, or further vote, taken on the matter at the meeting (unless the member has requested and been granted a relevant dispensation) or,
 - (c) remain in the room during the discussion or vote on the matter
- (3) If the interest isn't entered in the Register of Interests, the member must disclose the interest to the meeting and must notify the Monitoring Officer within 28 days about the interest (if he or she hasn't already done so) unless the interest is a sensitive interest
- (4) Where you have a disclosable pecuniary interest in a matter to be considered at a meeting, you may attend the meeting but only for the purposes of making representations, answering questions or giving evidence relating to the matter, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. Once you have finished, or the meeting decides you have finished, you must leave the room and may not remain in the room during the discussion or vote on the matter.
- (5) Where you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and identify any other significant interests which you feel should be declared in the public interest, such interests may be declared to the meeting.
- (6) In such circumstances you must consider whether your continued participation in the matter relating to your interest would be reasonable in the circumstances particularly if the interest may give rise to a perception of conflict of interests in the matter under discussion.

11. Dispensations

- (1) A Council may grant a dispensation to a member or co-opted member of that Council (on receipt of a written request) to speak and vote on a matter where they have a Disclosable Pecuniary Interest.
- (2) Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- (3) A decision as to whether to grant a dispensation shall be made by the Proper Officer for which the dispensation is required and that decision is final.
- (4) A dispensation request shall confirm:
 - a. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - b. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - c. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and

- d. an explanation as to why the dispensation is sought.
- (5) Subject to standing orders, dispensations requests shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
- (6) A dispensation may be granted in accordance with the standing order if having regard to all relevant circumstances the following applies:
- a. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or
 - b. granting the dispensation is in the interests of persons living in the council's area or
 - c. it is otherwise appropriate to grant a dispensation.

12. Offences

- (1) The offences under the Act are:
- (a) Without reasonable excuse, to fail to register all Disclosable Pecuniary Interests within 28 days of becoming a member.
 - (b) Without reasonable excuse, to fail to declare a Disclosable Pecuniary Interest at a meeting where a member has such an interest in a matter under discussion.
 - (c) Without reasonable excuse, to fail to register a Disclosable Pecuniary Interest within 28 days of declaring it at a meeting.
 - (d) Without reasonable excuse, to participate in the discussion of and/or vote on a matter where the member has a Disclosable Pecuniary Interest.
- (2) It is also an offence to provide false or misleading information (or to be reckless whether information is true and not misleading) in respect of the above offences.
- (3) The maximum penalty for the above offences is a fine not exceeding Level 5 (£5,000). In addition a court can disqualify a member or co-opted member for a period not exceeding 5 years.
- (4) No prosecutions for these offences can be begun except by or on behalf of the DPP.
- (5) All complaints alleging a failure to comply with this code will be considered in accordance with the procedures agreed by full Council

SEVEN GENERAL PRINCIPLES AND STANDARDS 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.	