

THE MODEL CODE OF CONDUCT

TOWN/PARISH COUNCILS

*(Mandatory Provisions by virtue of SI 2001 – 3576:
The Parish Councils (Model Code of Conduct) Order 2001)*

PART I

GENERAL PROVISIONS

Scope

- I. - (1) A member must observe the authority's code of conduct whenever he -
 - (a) conducts the business of the authority;
 - (b) conducts the business of the office to which he has been elected or appointed; or
 - (c) acts as a representative of the authority,and references to a member's official capacity shall be construed accordingly.
- (2) An authority's code of conduct shall not, apart from paragraphs 4 and 5(a) below, have effect in relation to the activities of a member undertaken other than in an official capacity
- (3) Where a member acts as a representative of the authority –
 - (a) on another relevant authority, he must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, he must, when acting for that other body, comply with the authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
- (4) In this code -
 - (a) "member" includes a co-opted member of an authority; and
 - (b) "responsible authority" means a district council or a unitary county council which has functions in relation to the parish councils for which it is responsible under section 55(12) of the Local Government Act 2000.

General Obligations

2. A member must -
 - (a) promote equality by not discriminating unlawfully against any person;
 - (b) treat others with respect; and
 - (c) not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the authority.
3. A member must not -
 - (a) disclose information given to him in confidence by anyone, or information acquired which he believes is of a confidential nature, without the consent of a person authorised to give it, or unless he is required by law to do so; nor
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
4. A member must not in his official capacity, or any other circumstance, conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute.
5. A member -

- (a) must not in his official capacity, or any other circumstance, use his position as a member improperly to confer on or secure for himself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of the authority -
 - (i) act in accordance with the authority's requirements; and
 - (ii) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the authority or of the office to which the member has been elected or appointed.
6. A member must, if he becomes aware of any conduct by another member which he reasonably believes involves a failure to comply with the authority's code of conduct, make a written allegation to that effect to the Standards Board for England as soon as it is practicable for him to do so.

PART 2 INTERESTS

Personal Interests

7. - (1) A member must regard himself as having a personal interest in any matter if the matter relates to an interest in respect of which notification must be given under paragraphs 12 and 13 below, or if a decision upon it might reasonably be regarded as affecting to a greater extent than other council tax payers, ratepayers, or inhabitants of the authority's area, the well-being or financial position of himself, a relative or a friend or -
- (a) any employment or business carried on by such persons;
 - (b) any person 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 corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
 - (d) any body listed in sub-paragraphs (a) to (e) of paragraph 13 below in which such persons hold a position of general control or management.
- (2) In this paragraph -
- (a) "relative" means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and
 - (b) "partner" in sub-paragraph (2)(a) above means a member of a couple who live together.

Disclosure of Personal Interests

8. A member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

Prejudicial Interests

9. - (1) Subject to sub-paragraph (2) below, a member with a personal interest in a matter also has a prejudicial interest in that matter if 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 the member's judgement of the public interest.
- (2) A member may regard himself as not having a prejudicial interest in a matter if that matter relates to -
- (a) another relevant authority of which he is a member;

- (b) another public authority in which he holds a position of general control or management;
- (c) a body to which he has been appointed or nominated by the authority as its representative;
- (d) any functions of the authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where the member is in receipt of, or is entitled to the receipt of such pay from a relevant authority; and
- (e) any functions of the authority in respect of an allowance or payment made under sections 173 to 173A and 175 to 176 of the Local Government Act 1972 or section 18 of the Local Government and Housing Act 1989.

Participation in Relation to Disclosed Interests

10. A member with a prejudicial interest in any matter must –

- (a) withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless he has obtained a dispensation from the standards committee of the responsible authority; and
- (b) not seek improperly to influence a decision about that matter.

11. For the purposes of this Part, "meeting" means any meeting of –

- (a) the authority; or
- (b) any of the authority's committees, sub-committees, joint committees or joint sub-committees.

PART 3

THE REGISTER OF MEMBERS' INTERESTS

Registration of Financial and Other Interests

12. Within 28 days of the provisions of an authority's code of conduct being adopted or applied to that authority or within 28 days of his election or appointment to office (if that is later), a member must register his financial interests in the authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to the monitoring officer of the responsible authority of -

- (a) any employment or business carried on by him;
- (b) the name of the person who employs or has appointed him, the name of any firm in which he is a partner, and the name of any company for which he is a remunerated director;
- (c) the name of any person, other than a relevant authority, who has made a payment to him in respect of his election or any expenses incurred by him in carrying out his duties;
- (d) the name of any corporate body which has a place of business or land in the authority's area, and in which the member has a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
- (e) a description of any contract for goods, services or works made between the authority and himself or a firm in which he is a partner, a company of which he is a remunerated director, or a body of the description specified in sub-paragraph (d) above;
- (f) the address or other description (sufficient to identify the location) of any land in which he has a beneficial interest and which is in the area of the authority;
- (g) the address or other description (sufficient to identify the location) of any land where the landlord is the authority and the tenant is a firm in which he is a partner, a company of which he is a remunerated director, or a body of the description specified in sub-paragraph (d) above; and

- (h) the address or other description (sufficient to identify the location) of any land in the authority's area in which he has a licence (alone or jointly with others) to occupy for 28 days or longer.
13. Within 28 days of the provisions of the authority's code of conduct being adopted or applied to that authority or within 28 days of his election or appointment to office (if that is later), a member must register his other interests in the authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to the monitoring officer of the responsible authority of his membership of or position of general control or management in any -
- (a) body to which he has been appointed or nominated by the authority as its representative;
 - (b) public authority or body exercising functions of a public nature;
 - (c) company, industrial and provident society, charity, or body directed to charitable purposes;
 - (d) body whose principal purposes include the influence of public opinion or policy; and
 - (e) trade union or professional association.
14. A member must within 28 days of becoming aware of any change to the interests specified under paragraphs 12 and 13 above, provide written notification to the monitoring officer of the responsible authority of that change.

Registration of Gifts and Hospitality

15. A member must within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the monitoring officer of the responsible authority of the existence and nature of that gift or hospitality.

EXPLANATORY NOTE

(This note is not part of the Order)

The Order contains a model code of conduct as regards the conduct which is expected of members and co-opted members of parish councils. Under section 51 of the Local Government Act 2000, each authority must adopt a code of conduct applying to its members which must incorporate any mandatory provisions of the model code. Under section 51(5) of that Act, where an authority does not adopt such a code within six months of the Order coming into force, the mandatory provisions of the model code will apply to the members of the authority until it does.

Article 1 provides that this Order applies only to parish councils.

Article 2 provides that a model code for parish councils is set out in the Schedule to the Order, and states that all of its provisions are mandatory.

Article 3 makes transitional provision for eight months following the coming into force of the Order to disapply existing statutory provisions relating to the National Code of Local Government Conduct, members' interests, surcharge and declarations of office.

In the Schedule to the Order, paragraph 1 of the model code provides that the code applies whenever a member is acting in his official capacity, and that it does not apply in other circumstances unless otherwise indicated. Additionally, where a member is acting as a representative of his authority, he must continue to observe the authority's code, unless he is subject to another relevant authority's code, or unless (in relation to any other body) it conflicts with any other legal obligations.

Paragraph 2 provides that members must promote equality, treat others with respect and not do anything which compromises the impartiality of those who work for the authority.

Paragraph 3 provides that members must not without consent disclose confidential information they have acquired and must not prevent others from gaining access to information to which they are entitled.

Paragraph 4 provides that in a member's official capacity and in other circumstances, a member must not conduct himself in a manner which could bring his authority into disrepute.

Paragraph 5 provides that a member must not in his official capacity or in other circumstances use his position improperly to gain an advantage or confer a disadvantage and that when using or authorising the use of the authority's resources, he must act in accordance with the authority's requirements and must not permit those resources to be used for political purposes.

Paragraph 6 provides that a member must make a written allegation of misconduct to the Standards Board for England if he becomes aware of conduct by another member involving failure to comply with the authority's code of conduct.

Paragraph 7 provides that a member has a personal interest in a matter which has been registered or where a decision upon a matter could reasonably be regarded as affecting the well-being or financial position of those persons described in the paragraph.

Paragraph 8 provides that a member with a personal interest in a matter must disclose that interest at any meeting at which the matter is considered.

Paragraph 9 provides that a member with a personal interest also has a prejudicial interest if the interest could be regarded by a member of the public as so significant that it is likely to prejudice his judgement of the public interest. The paragraph provides that in the circumstances specified a member may regard himself as not having a prejudicial interest.

Paragraph 10 provides that a member with a prejudicial interest must, unless he has obtained a dispensation, withdraw from any meetings at which the matter is being considered, and must not improperly influence decisions in relation to the matter.

Paragraph 11 defines "meeting" for the purposes of Part 3.

Paragraph 12 provides that a member must notify the responsible authority's monitoring officer of the financial interests specified in the paragraph and paragraph 13 provides that he must notify the responsible authority's monitoring officer of the other interests specified in the paragraph. Any change to those interests must also be notified under paragraph 14.

Paragraph 15 provides that a member must notify the responsible authority's monitoring officer of any gift or hospitality he receives which may be over the value of £25.