

**INGOL AND TANTERTON NEIGHBOURHOOD COUNCIL CODE OF  
CONDUCT ADOPTED 12th SEPTEMBER 2012**

## **The Code of Conduct for Members**

### **The General Principles**

1. This Code of Conduct is adopted by the Council pursuant to the Council's duty to promote and maintain high standards of conduct by its Members.
2. Members (including co-opted Members) are expected to behave according to the highest standards of personal conduct and in particular they must observe the following general principles:

**Selflessness** — Members serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

**Honesty and integrity** — Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

**Objectivity** — Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

**Accountability** — Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

**Openness** — Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

**Personal judgement** — Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

**Respect for others** — Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

**Duty to uphold the law** — Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them

**Stewardship** — Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

**Leadership** — Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

## **Part 1**

### **General Provisions**

#### **Introduction and interpretation**

1. (1) This Code applies to you as a member of the authority.
- (2) You should read this Code together with the general principles set out above.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code –
  - "Meeting" means any meeting of the authority or any of the authorities committees
  - "Member" includes a co-opted member and an elected member;
  - "The authority" means INGOL AND TANTERTON NEIGHBOURHOOD Council.
- (5) In relation to a Parish Council, references to the authority's Monitoring Officer and the authority's Standards Committee shall be read, respectively, as references to the Monitoring Officer and the Standards Committee of Preston City Council

#### **Scope**

2. (1) Subject to sub-paragraph (2) you must comply with this Code whenever you
  - (a) Conduct the business of the authority
  - (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) This Code does not have effect in relation to your conduct other than where it is in your official capacity.

#### **General obligations**

3. (1) You must treat others with respect.
- (2) You must not—

- (a) Do anything which may cause the authority to breach the Equality Act 2010 (or subsequent legislation);
- (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, the authority.

**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
    - (a) reasonable and in the public interest; and
    - (b) 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 the resources of the authority
    - (i) Act in accordance with the 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) the authority's finance officer; or
  - (b) the authority's Monitoring Officer,
- where that officer is acting pursuant to his or her statutory duties.

## **Part 2**

### **Interests**

#### **8. Notification of interests**

- (1) You must, within 28 days of—
- (a) This Code being adopted by or applied to the authority;
- Or
- (b) your election (where that is later), notify the Monitoring Officer in writing of your disclosable pecuniary interests as defined in the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, for inclusion in the register of interests, and notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the descriptions set out in sub-paragraph (2) below, for inclusion in the register of interests.
- (2) You have a personal interest in any business of the 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 the authority;
    - (ii) 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 you are a member or in a position of general control or management;
- (iii) any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income;
- (iv) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25.

(3) You must notify the Monitoring Officer in writing within 28 days of becoming aware of any new disclosable pecuniary interests and/or personal interests or change to any such interests registered under sub-paragraph (1) above

## **9. Disclosure of personal interests**

(1) Subject to sub-paragraphs (2) to (6) below, where you have a personal interest described in paragraph 8 above or in sub-paragraph (2) below in any business of the authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of the authority at which the business is considered, you must disclose to that meeting the existence and nature of that personal interest at the commencement of that consideration, or when the personal interest becomes apparent.

(2) (A) You have a personal interest in any business of the authority

- (i) where 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 other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision, or
- (ii) it relates to or is likely to affect any of the interests you have registered as a disclosable pecuniary interest.

(2)(B) In sub-paragraph (2)(A) above, 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 paragraph 8(2)(a)(i) or (ii).

(3) Where you have a personal interest in any business of the authority which relates to or is likely to affect a person described in paragraph 8(2)(a)(i) or 8(2)(a)(ii)(a), you need only disclose to the meeting the

existence and nature of that personal interest when you address the meeting on that business.

(4) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(2)(a)(iv), you need not disclose the nature or existence of that personal interest to the meeting if the personal interest was registered more than three years before the date of the meeting.

(5) Where you have a personal interest but, by virtue of paragraph 13, sensitive information relating to it is not registered in the authority's register of interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

## **10. Non participation in case of prejudicial interest**

(1) Where you have a personal interest in any business of the 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 it as being likely to prejudice your judgement of the public interest and where that business –

(a) affects your financial position or the financial position of a person or body described in paragraphs 8(2) or 9(2)(A) above ;or

(b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph.

(2) Further where you have a personal interest in any business of the 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.

(3) Subject to sub-paragraphs (5) below, where you have a prejudicial interest in any business of the authority—

a) You may not participate in any discussion of the matter at the meeting.

b) You may not participate in any vote taken on the matter at the meeting.

c) If the personal interest is not registered, you must disclose the personal interest to the meeting.

d) If the personal interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the personal interest within 28 days.

e) You are required to leave the room where the meeting is held while any discussion or voting takes place.

(4) Where you have a prejudicial interest in any business of the 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 and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

(5) Subject to you disclosing the personal interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of the authority in respect of—

(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(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;

(vi) setting council tax or a precept under the Local Government Finance Act 1992.

## **11. Register of interests**

(1) Any personal interests notified to the Monitoring Officer will be included in the register of interests.

(2) A copy of the register of interests will be available for public inspection and will be published on the authority's website.

## **12. Sensitive interests**

(1) Where you consider that disclosure of the details of a personal interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the personal interest is entered on the register of interests, copies of the said register that are made available for inspection and any published version of the said register will

exclude details of the personal interest, but may state that you have a personal interest, the details of which are withheld under section 32(2) of the Localism Act 2011.

### Part 3

#### Disclosable Pecuniary Interests

**14 (1)** A ‘Disclosable Pecuniary Interest’ is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

<b><i>Subject</i></b>	<b><i>Prescribed description</i></b>
Employment, office, trade, profession or vocation	Any 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) made or provided within the relevant period 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 has a beneficial interest) and the relevant authority— (a) under which 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.

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—

(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and

(b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on Disclosable Pecuniary Interests are subject to the following definitions:

**“the Act”** means the Localism Act 2011;

**“body in which the relevant person has a beneficial interest”** means a firm in which the relevant person is a partner or a body corporate of 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;

**“land”** excludes 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;

“**M**” means a member of a relevant authority;  
“**member**” *includes a co-opted member*;

“**relevant authority**” means the authority of which M is a member;

“**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) or section 31(7), as the case may be, of the Act;

“**relevant person**” means M or any other person referred to in section 30(3)(b) of the Act;

“**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.

## **15. Notification of Disclosable Pecuniary Interests**

(1) Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any ‘Disclosable Pecuniary Interests’.

## **16. Register of interests**

(1) Any Disclosable Pecuniary Interests notified to the Monitoring Officer will be included in the register of interests.

(2) A copy of the register of interests will be available for public inspection and will be published on the authority’s website.

## **17. Sensitive interests**

(1) Where you consider that disclosure of the details of a Disclosable Pecuniary Interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the Disclosure Pecuniary Interest is entered on the register of interests, copies of the said register that are made available for inspection and any published version of the said register will exclude details of the disclosure pecuniary interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under section 32(2) of the Localism Act 2011.

## **18. Non participation in case of Disclosable Pecuniary Interest**

(1) If you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and you have a Disclosable Pecuniary Interest in any matter to be considered or being considered at the meeting –

(a) You may not participate in any discussion of the matter at the meeting.

(b) You may not participate in any vote taken on the matter at the meeting.

(c) If the Disclosable Pecuniary Interest is not registered, you must disclose the said interest to the meeting.

(d) If the Disclosure Pecuniary Interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the said interest within 28 days.

(e) You are required to leave the room where the meeting is held while any discussion or voting takes place.

## **19. Dispensations**

(1) The Principle Authority (Preston City Council) may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a Disclosable Pecuniary Interest.

## **20. Offences**

(1) It is a criminal offence to

- Fail to notify the Monitoring Officer of any Disclosable Pecuniary Interest within 28 days of election.
- Fail to disclose a Disclosable Pecuniary Interest at a meeting if it is not on the register of interest.
- Fail to notify the Monitoring Officer within 28 days of a Disclosable Pecuniary Interest that is not on the register that you have disclosed to a meeting.
- Participate in any discussion or vote on a matter in which you have a Disclosable Pecuniary Interest.
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a Disclosable Pecuniary Interest or in disclosing such interest to a meeting

(2) The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale (presently £5,000) and disqualification from being a councillor for up to 5 years.