

BOURTON PARISH COUNCIL

CODE OF CONDUCT

(Based on the NALC Model Issued under Legal Briefing 09-12 dated 29 June 2012)

Introduction

Pursuant to section 27 of the Localism Act 2011, Bourton Parish 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 seven principles of public life, which are 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 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, 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.

Member obligations

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.

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

Registration of interests

6. 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 all interests which fall within the categories set out in Appendices A and B.
7. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register any interests in Appendices A and B.
8. A member shall register any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.
9. A member need only declare on the public register of interests 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

10. 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.
11. 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.
12. Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall withdraw from the meeting. He/she may speak on the matter before withdrawing only if members of the public are also allowed to speak at the meeting.
13. 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 before withdrawing. 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.
14. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate, and the member shall disclose the nature of the interest and withdraw from the meeting. He/she may speak on the matter before withdrawing 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

15. 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.

Complaints

16. If a member of the public or employee of the council wishes to make a complaint concerning the conduct of a serving parish councillor they should do so in writing to the parish clerk, who will as the monitoring officer review the complaint.
17. It should be noted that where an individual disagrees with a lawful decision taken by individual councillors or the council as a whole, this would not constitute a complaint unless the individual councillor conduct breached one of the seven principles of public life.
18. If the complaint allegation is considered to be a criminal offence then the clerk will refer it to the Monitoring Officer at Dorset Council Unitary Authority
19. The council will resolve all other complaints by following the Model Complaints Procedure for Small Parish Councils. (Appendix C).
20. If a member of the public or serving parish councillor wishes to make a complaint about the conduct of any council employee they should do so in writing to the Chairman of the Parish Council who will ensure the complaint is dealt with under the terms and conditions of the staff member's employment with the parish council.

Reviewed 1st May 2019

Appendix A

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.
Sponsorship	<p>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.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
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> <ul style="list-style-type: none"> (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	<p>Any beneficial interest in land 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	<p>Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.</p>
Corporate tenancies	<p>Any tenancy where (to the member's knowledge)—</p> <ul style="list-style-type: none"> (a) the landlord is the Council; and (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.
Securities	<p>Any beneficial interest in securities* of a body where—</p> <ul style="list-style-type: none"> (a) that body (to the member's knowledge) has a place of business or land in the area of the Council; and (b) either— <ul style="list-style-type: none"> (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 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.

*'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.

ADDITIONAL INTERESTS

- 1 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;
- 2 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)
 - d. Of which the member of the Council is a member or in a position of general control or management;
- 3 Any employment or business carried on by the member;
- 4 Any person or body who employs or has appointed the member;
- 5 Any person or body, other than the Council, who has made a payment to the member in respect of his/her election or any expenses incurred by him/her in carrying out his/her duties;
- 6 Any person or body who has a place of business or land in the Council's area, and in whom the member has a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- 7 Any contract for goods, services or works made between the member's Council and the member or a firm in which he/she is a partner, a company of which he /she is a remunerated director, or a person or body of the description specified in paragraph (vi);
- 8 Any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.
- 9 Any land in the Council's area in which the member has a beneficial interest;
- 10 Any land where the landlord is the Council and the member is, or a firm in which the member is a partner, a company of which the member is a remunerated director, or a person or body of the description specified in paragraph (vi), is the tenant;
- 11 Any land in the Council's area for which the member has a licence (alone or jointly with others) to occupy for 28 days or longer.

Model Complaints Procedure for Smaller Parish Councils**1 Introduction**

- 1.1. This procedure covers routine complaints and those that could be described as habitual and vexatious.
The majority of complaints generally fall under the first category and only occasionally move to the second option covered by paragraph 4 onwards.
- 1.2. Habitual or vexatious complaints are defined as unreasonable complaints, enquiries or outcomes that are repeatedly or obsessively pursued.
- 1.3. Some types of complaint are handled outside this procedure: Financial irregularity are handled by the Council's own auditor / Audit Commission; Criminal activity by the Police; Member conduct by the standards committee of the relevant principal authority; Employee conduct by internal disciplinary procedure.

2 Complaints Procedures for Local Councils

- 2.1. Councils should handle complaints in full council or nominate councillors who are authorised to deal with complaints but are not involved with the particular case.
- 2.2. If the complaint is handled by the full council then two nominated councillors should not take part in the proceedings. They will then be available to handle any appeal, if required.
- 2.3. The Clerk should normally represent the council through the proceedings but a nominated councillor may act instead.

3 The Procedure**3.1. Before the Meeting**

- The complainant should complain in writing to the Clerk or to the Chairman of the council. Assistance should be given to the claimant if necessary.
- The complainant should be advised when the matter will be considered and whether it will be treated confidentially or heard by a committee. A copy of this procedure should also be given to the complainant.
- The complainant should be invited to attend a meeting with a representative if wished.
- Not later than seven clear working days prior to the meeting, the complainant and the council will exchange copies of any documentation or other evidence to be relied on.

3.2. At the Council Meeting or Committee Meeting

- The Chairman of the meeting should introduce everyone and explain the procedure.
- The complainant (or representative) should outline the grounds for complaint before any questions from the Clerk and then from members if present.
- The Clerk should explain the council's position before any questions from the complainant, and from members if present.
- The complainant and the Clerk should then summarise their position; they then leave the room while members decide whether or not the grounds for the complaint have been made.
- If the decision is unlikely to be finalised on that day an estimated date will be given.

3.3. After the Meeting

- The decision should be confirmed in writing within seven working days together with details of any action to be taken.
- The result of the proceedings should be reported at the next council meeting after the appeal period has passed, ensuring that agreed confidential issues are appropriately respected.

3.4. Appeals

- Should the complainant not agree with the decision they are entitled to appeal the decision within fourteen days of receipt of the result of the proceedings.
- The councillors nominated to handle the appeal should, within twenty-one days of receiving the appeal, examine the way in which the council dealt with the complaint.
- If procedures were correctly handled by the council then the appellant should be notified that the appeal has not been successful. If the complaint was not handled correctly it must be referred back for consideration as at 3.2.
- The appellant should be notified of the result of the appeals process within fourteen days.

4 Habitual and Vexatious Complaints

- 4.1. Councils should endeavour to deal with complaints in an efficient, equitable and effective manner.
- 4.2. The council may have to initiate further action, if the complainant behaves in ways which can: impede the investigation of the complaint; have significant resource implications; hinder the complaints service for others; be offensive, abusive or threatening.

5 Aims of this Section

- 5.1. The aim of the council is to manage each case properly, consistently, fairly and respectfully and ensure that the complaint, not the complainant, is the issue during any procedure and decision making.
- 5.2. It is important to establish guidelines for identifying habitual or vexatious complainants and that any decisions made follow agreed guidelines and procedures.

6 Guidelines

- 6.1. Councils must try to keep open the lines of communication with appropriate support e.g. clarifying the reason for the outcome; offering relevant support for a complainant with special needs; suggesting an independent representative to help present their case.
- 6.2. Any action taken as a result of proven persistent and/or vexatious complaint should be proportionate to the degree of annoyance/aggravation caused.

7 Procedure

- 7.1. The possibility of there being an unreasonably persistent and/or vexatious complaint should be brought to the attention of the Chairman or Vice Chairman to ensure that the complaint has been dealt with according to the council's complaints procedure.
- 7.2. The Chairman or Vice Chairman should contact the complainant in an effort to resolve the situation.
- 7.3. In the case of a meeting, if there is a personality issue, the complainant may nominate another councillor who will be made aware of all the facts. A complainant may wish to bring a representative. The council should give appropriate support (e.g. special needs) to the complainant in choosing a representative etc.
- 7.4. The Chairman/Vice Chairman must:
 - Listen to the grievance/complaint
 - Assure the complainant of confidentiality with personal details
 - Carefully explain what action the council has taken within its remit to resolve the complaint
 - Offer any relevant support about the complaints procedure to the complainant
 - Suggest complaint routes available if complaint is outside the council's remit
 - Explain how the complainant's actions are of concern but are hampering the complaints procedure
 - Explain what actions the council may take
 - Seek an assurance that the persistent/unreasonable nature of complaint will be addressed

7.5. The outcome and relevant details of the meeting should be noted.

8 Decision

- 8.1. If the complainant continues to behave in unreasonable and/or vexatious way, the Chairman or Vice Chairman should seek the approval of the council to follow the policy and agree what action(s) to take, e.g. restrict or refuse any further contact.
- 8.2. The complainant must be advised by letter from the Clerk of this action, including any further actions the complainant may take with other bodies including their right to obtain independent advice.
- 8.3. The council must record the decision and hold all relevant correspondence except all personal details about the complaint and the complainant, which will be stored appropriately in line with the Data Protection Act.
- 8.4. The Clerk must notify all councillors and members of staff as appropriate.
- 8.5. Any new complaint from any person who has come under the policy must be treated on its merit.

9 Review

- 9.1. The decision taken at Section 8 should be reviewed after 6 months. The complainant must be notified of the result if the decision to apply the policy has been reversed.

Reviewed 1st May 2019