

# **PORTISHEAD TOWN COUNCIL**

## **CODE OF CONDUCT**

**ADOPTED 11<sup>TH</sup> JULY 2012**

### **Introduction**

Pursuant to section 27 of the Localism Act 2011, Portishead 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, 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***

9. Where a matter arises at a meeting which relates to an interest in Appendix 'A' the member shall withdraw from the meeting and 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.
10. Where a matter arises at a meeting which relates to an interest in Appendix 'A' which is a sensitive interest, the member shall withdraw from the meeting and 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.

11. Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall not take part in any vote on the matter. If the matter under consideration at the meeting involves affecting the financial position of the relevant body in Appendix B, either gain or loss, then the member should withdraw from the meeting and take no part in discussion or voting.
12. 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. 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.
13. Where a matter arises at a meeting which relates to a financial interest as in Appendix 'A' below, of a friend, relative or close associate, 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**

14. 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.

### **Appendix A**

Such interests, as prescribed by regulations, are.....

- (i) any employment, office, trade, profession or business carried on by the member for profit or gain;
- (ii) any person or body who employs or has appointed the member;

- (iii) 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. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992;
- (iv) 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), or, 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 has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
- (v) Any contract which is made between the relevant person (or a body in which the member has a beneficial interest), and this Council, under which goods or services are to be provided or works are to be executed and which has not been fully discharged;
- (vi) Any licence held (alone by the member or jointly with others) to occupy land in the area of this Council for 28 days or longer;
- (vii) Any tenancy where, to the member's knowledge, the landlord is this Council, and the tenant is a body in which the member has a beneficial interest;
- (viii) Matters relating to any person or body where the member has received any gifts or hospitality worth more than an estimated value of £50 by virtue of his or her office.
- (ix) Any land owned by or in which the member has a financial beneficial interest in the Council's area.

## **Appendix B**

Any interest which relates to or is likely to affect:

- (x) 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;
- (xi) 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 the member of the Council is a member or in a position of general control or management;