



# GRENDON UNDERWOOD PARISH COUNCIL

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## CODE OF CONDUCT

CP02.05

Authorised & Adopted: GRENDON UNDERWOOD PARISH COUNCIL

AUTHORISATION & LAST REVIEW AS SHOWN IN THE POLICY REVIEW RECORD CD08A

CHANGE LOG	
June 2018	To adapt LTN 80 update issued Nov2017, Common template, to GUPC requirements whilst retaining all statutory requirements.
26 <sup>th</sup> June 2018	v.2 Update from legacy adopted by resolution of full Council at a properly constituted general meeting held 26 <sup>th</sup> June 2018 - minute: 1806.05-1
26 <sup>th</sup> May 2020	v.3 Change email address and web site; adopted 26 <sup>th</sup> May 2020
25 <sup>th</sup> May 2021	v.4 To reflect LGA Model Councillor Code of Conduct 23.12.2020 & LGA Guidance July 2021
26 <sup>th</sup> May 2022	v.5 To reflect NALC LTN 80 May 2022 & cross reference updated Standing Orders, May2022

### I PURPOSE

Pursuant to Sections 26-34 of the Localism Act 2011 & Schedule 4, Grendon Underwood Parish Council ('the Council') has adopted (s.27(2)) this Code of Conduct to promote and maintain high standards of conduct (s.27(1)) by its elected and co-opted members and employees 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.

Pursuant to Section 28 (1)&(2), this Code of Conduct is consistent with the principles of selflessness, integrity, objectivity, accountability, diligence, commitment, openness, honesty, and leadership and includes provisions which the Authority considers appropriate in respect of registration and disclosure of pecuniary interests and other interests such as to avoid any possible conflicts of interest.

#### Notes:

- For the purposes of this Code, a 'co-opted member' is a person who is not an elected member of the Council but who has been co-opted onto the Council, or a committee or sub-committee, properly constituted by Council, by a majority of elected Councillors at a properly constituted meeting of Council and who is entitled to vote on any question that falls to be decided at any meeting of Council or that committee or sub-committee.
- Members are subject to the statutory obligations about DPIS irrespective of the code of conduct adopted by their councils or the date that the code was adopted
- The Principal Authority is Buckinghamshire Council.
- For the purposes of this Code, a 'meeting' is a properly constituted 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 elected and co-opted Members.
- Where gender specific wording is used, meaning is intended to be gender neutral.

### II SCOPE

Whenever a Member of the Council or an employee of Council acts, claims to act or gives the impression of acting as a Member or with the authority of the Council, he/she has the following obligations.

This Code of Conduct is to be implemented in conjunction with the Council's Standing Order especially Order 13- Code of Conduct.

### III CODE

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 or interest group.
4. He/she shall use the resources of the Council in accordance with its Policies & Standing Orders.
5. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.
6. S 31(4) provides that if a member of a parish council is aware that they have a DPI in a matter being considered at a meeting, they are barred from participating in any discussion or voting on it unless they have obtained a dispensation.

## **IV REGISTRATION of INTERESTS**

1. The Monitoring Officer (of the Principal Authority) must ensure that the register of interests of the members of parish councils in the area is available for inspection at all reasonable hours at a place in the principal authority's area. The principal authority must also publish the register of interests of the members of the parish councils on its website (s.29 (6)). A parish council with a website must publish the register of interests of its members and the Monitoring Officer must provide the parish council with any data that the parish council needs to comply with its duty to publish the register of interests on its website if it has one.
2. Within 28 days (Section 28) 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 with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B.
3. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B.
4. A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.
5. A member need only declare the existence but not the details of any interest which the Council may decide is not in the public interest to disclose and designate it 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 or would be in contravention of the General Data Protection Act & Regulation.

## **V DECLARATION of INTERESTS at MEETINGS**

1. 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 Chairman and Monitoring Officer of it.
2. 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.
3. Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting.
4. 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. 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.

5. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest of a person in Appendix A), the member shall disclose the nature of the interest and not vote on the matter. He/she may speak on the matter 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.

## **VI DISPENSATIONS – Ref: Standing Order 14.**

1. A Member may request 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 and Council can grant such request 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 would facilitate its decision making; or it is in the interests of the residents of Grendon Underwood Parish to allow the member to take part or it is otherwise appropriate to grant a dispensation.
2. Such request can be made at a meeting prior to discussions concerning any relevant business on the agenda or on written request to the Chairman using the council Dispensation Request form.
3. No criminal offence is committed by a member who participates in a discussion or votes at a meeting on the question of whether or not to grant them a dispensation which relieves them of the restrictions which apply to the matter in which they hold a DPI (s.33(4)).

## **VII COMPLAINTS – Ref: Standing Order 15.**

The principal authority is exclusively responsible for receiving, investigating and deciding code of conduct complaints which relate to the members of parish councils in their area. Sections.28(6) and (9) require a principal authority to have in place arrangements to investigate and determine allegations that a member of a parish council in its area has failed to comply with their council's code of conduct.

## **VIII BREACH of CODE – Ref: Standing Order 15.**

1. If the principal authority decides that a member of a parish council has breached its code of conduct, the principal authority cannot take action directly against the member of the parish council (s.28 (11)). The principal authority's powers are limited to censuring them subject to making recommendations that the parish council takes a course of action in respect of the member. Although any such recommendation is not binding on the parish council, the principal authority may recommend, for example, that the parish council removes its member from a committee or that it asks its member to attend training or to apologise.
2. Section 28 (4) confirms that a council decision is not invalidated because 'something that occurred in the process of making the decision involved a failure to comply with the code.'

## Appendix A

Notifiable Interests described in the table below.

<b>Subject</b>	<b>Description</b>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners.
Sponsorship	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. 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 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 — (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 held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partner which is within the area of the Council. '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.
Licences	Any licence (alone or jointly with others) held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners to occupy land in the area of the Council for a month or longer.
Corporate tenancies	Any tenancy where (to the member's knowledge)— (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	Any beneficial interest held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners in securities* of a body where— (a) that body (to the member's knowledge) has a place of business or land in the area of the Council; 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 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.

## Appendix B

An interest which relates to or is likely to affect:

- (i) 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;
- (ii) anybody —
  - (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 voluntary group, political party or trade union) of which the Member of the Council is also a member or is in a position of general control or management;
- (iii) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.