

**HUGGATE PARISH COUNCIL (HPC)**  
**MEMBER CODE OF CONDUCT**  
**Re- adopted May 2016**

**1. Introduction and interpretation**

- a. You are a member or co-opted member of the Huggate Parish Council. In this capacity you agree to act according to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- b. This code applies to you as a member of HPC when you act in your role as a member. It is your responsibility to comply with the provisions of this Code of Conduct.
- c. You are a representative of HPC and the public will view you as such. This means that your actions impact on how HPC as a whole is viewed (eg conduct at meetings and when acting as a representative of HPC, reports of HPC business outside meetings, including conversations and discussions with non Members, written reports and discussions, letters). Your actions can have both a positive and negative impact on HPC and you should be aware of and have regard to this fact. You should not act in a way that brings HPC into disrepute.
- d. The public expect members to act in an open and transparent manner.
- e. In this code –

**Meeting** means any meeting of:

- i. HPC;
- ii. Any of HPC's committees, sub-committees, joint committees, joint sub-committees or area committees;

**Member** includes all Members and co-opted and appointed Members of HPC.

**Family** means Spouse, Civil Partner, any person with whom you are living as a Spouse or Civil Partner, parent, grandparent, child, grandchild or sibling.

**2. General obligations**

- a. You must treat others with respect.
- b. You must not bully any person.
- c. You must not conduct yourself in a manner that could reasonably be regarded as bringing your office or HPC into disrepute.
- d. You must not disclose information given to you in confidence by any one, or information acquired by you which you believe, or ought to be aware, is of a confidential nature. Exceptions to this are:
  - i. You have the consent of the person authorised to give it;
  - ii. You are required by law to do so;

- iii. Disclosure is made to a third party for the purpose of obtaining legal advice. This is only valid if the third party agrees not to disclose the information to any other person or
- iv. The disclosure is
  - Reasonable and in the public interest
  - Made in good faith and in compliance with the reasonable requirements of HPC and the Principal Authority (East Riding of Yorkshire Council - ERYC)
  - You have consulted the Monitoring Officer of the Principal Authority prior to its release.
- e. You must not prevent another person from gaining access to information to which that person is entitled to by law.
- f. You must not use or attempt to use your position as a Member of HPC improperly to confer on or secure for yourself or any other person an advantage or disadvantage.
- g. When using or authorising the use by others of the resources of HPC you must:
  - i. Act in accordance with HPC's reasonable requirements.
  - ii. Ensure that such resources are not used improperly for political purposes (including any party political purposes).
  - iii. Have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

### **3. Registration of interests**

- a. You must complete an accurate register of interest and notify the Clerk to HPC and the Monitoring Officer of the Principal Authority (ERYC) by the end of the 28<sup>th</sup> day on which you became a member of HPC

– AND –

Within 28 days of any change in interest or becoming aware of any new interest notify the Clerk to HPC and the Monitoring Officer of the Principal Authority (ERYC)

Relevant interests to declare are any non-pecuniary interests or pecuniary interests (see paragraphs 4 and 5 respectively for definitions) that fall within one or more of the following categories

- i. Disclosable pecuniary interest (see paragraph 5 below).
- ii. Bodies to which you are appointed or nominated by HPC (ie outside body appointments).
- iii. Bodies exercising functions of a public nature of which are a member (including regional and local development agencies, other (parish) councils, public health bodies, school governing bodies.
- iv. Bodies directed to charitable purposes of which you are a member (including the Lions, the Masons, a Parochial Church Council, not just bodies registered with the Charity Commission).
- v. Bodies whose principal purposes include influence of public opinion of policy (including any political party or union) of which you are a member.

- vi. Any voluntary work undertaken.
  - vii. Any person or body that has employed or appointed you (including any organisations that have appointed you to an office, for example as a Magistrate or Board of a Government Agency).
  - viii. Any person from whom you received, in your capacity as a Member of HPC, a gift or hospitality to the value of at least £25.
  - ix. Any person employed by HPC who is a member of your family.
- b. The pecuniary interests of your spouse or civil partner, or any person with whom you are living as spouse or civil partner.
  - c. You need only notify the Clerk to HPC and the Monitoring Officer of the Principal Authority (ERYC) of any interests of which you are aware pursuant to paragraph 3.a.i-3.a.ix and 3.b.
  - d. If you become a Member of HPC as a result of re-election or re-appointment you only need to disclose interests not already entered on the register.
  - e. Where the nature of the interest is considered to be a sensitive interest, details of the interests will not be included in any published version of the register of interests. In this case, the register will state that you have an interest the details of which are withheld under section 32(2) of the Localism Act 2011. For the purposes of this code, a sensitive interest is one where you consider that the disclosure of the interest could lead to you, or a person connected with you, being subject to violence or intimidation, AND, the Monitoring Officer of the Principal Authority (ERYC) agrees that this is the case.
  - f. Failure to disclose a non pecuniary interest (of which you are aware, or ought reasonably to be aware of the existence of the interest) in the Register of Interests is a breach of the Code of Conduct of HPC.
  - g. Failure to disclose a pecuniary interest (of which you are aware, or ought reasonably to be aware of the existence of the interest) in the Register of Interests is a criminal offence.

#### **4. Non pecuniary interests**

- a. You have a non pecuniary interest in any business of HPC where either
  - i. It is likely to affect any of the bodies listed in paragraph 3.a.ii to 3.a.ix of this Code of Conduct.
- b. Where you have a non pecuniary interest in any business of HPC and you attend a meeting of HPC at which that business is considered you must
  - Disclose the existence and nature of that interest at the start of the meeting or when the interest becomes apparent (subject to paragraph 4.c below). Members with a non pecuniary interest may still speak and vote on the matter. Failure to disclose a non pecuniary interest in a timely manner is a breach of the Code of Conduct of HPC.
  - If you are aware, or ought reasonably to be aware of the existence of the interest.

- c. Where you have an interest which is a sensitive interest and the details are not registered in accordance with paragraph 3.e, you must indicate that you have a non pecuniary interest but do not need to disclose the sensitive information to the meeting.

## 5. Pecuniary Interests

- a. You have a pecuniary interest in any business of HPC where you have an interest that falls within sub paragraphs 3.a.i or 3b and is defined in the second column of the **SCHEDULE OF PECUNIARY INTERESTS (FOR THE PURPOSES OF CHAPTER 7 OF PART 1 OF THE LOCALISM ACT 2011)** shown below. Remember a pecuniary interest is one that affects you or your spouse or civil partner, or any person with whom you are living as spouse or civil partner.
- b. Failure to disclose a pecuniary interest at the start of a meeting where you have a pecuniary interest in one or more agenda items breaches this code of conduct. If the pecuniary interest is in your register of interests, it is a breach of the code of conduct. If the pecuniary interest is not included in your register of interests, failure to disclose the interest at the start of the meeting is also a criminal offence.

### **SCHEDULE OF PECUNIARY INTERESTS (FOR THE PURPOSES OF CHAPTER 7 OF PART 1 OF THE LOCALISM ACT 2011)**

<b>Subject</b>	<b>Prescribed description</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 the councillor in carrying out duties as a member, or towards the election expenses of the councillor.  This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(3).
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 the councillors 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 the councillors 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.

## 6. Effect of Pecuniary Interest on participation

Where you have a pecuniary interest in any business of HPC and you attend a meeting at which the business is considered:

- a. You **must disclose** the existence and nature of that interest at the start of the meeting or when the interest becomes apparent (subject to paragraph 6.d below), if you are aware, or ought reasonably to be aware of the existence of the interest. Remember that failure to disclose a pecuniary interest that is not also in your register of interests is a criminal offence.
- b. Unless dispensation has been granted, you **may not participate** in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State and shown in the Schedule in paragraph 5 above.
- c. You may be asked to **leave the room** where the meeting is being held whilst the item or business in which you have a pecuniary interest is discussed and any decisions made.
- d. If the pecuniary interest is a sensitive interest as defined in paragraph 3.e you need only disclose the fact that you have a pecuniary interest. You must act in accordance with 6c and leave the room where the meeting is being held whilst the item or business in which you have a pecuniary interest is discussed and any decisions made.

## 7. Application, review and revision of the Code of Conduct

- a. From the date of adoption by HPC this Code of Conduct replaces any previous Code of Conduct adopted by HPC.
- b. This Code of Conduct should be read and acted upon with the current Standing Orders of HPC.
- c. This Code of Conduct will be reviewed and revised as necessary annually.