

Kington Town Council

CODE OF CONDUCT

Members or co-opted members of Kington Town Council have a responsibility to represent the community and work constructively with staff and partner organisations to secure better social, economic and environmental outcomes for all.

PRINCIPLES

In accordance with the Localism Act provisions¹, when acting in this capacity, members will be committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority:

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

¹ Section 27 of the Localism Act 2011

Members of Kington Town Council will in particular address the statutory principles of the code of conduct by:

- Championing the needs of residents – the whole community and including those who did not vote for the member - putting their interests first.
- Dealing with representations or enquiries from residents, members of the community and visitors fairly, appropriately and impartially.
- Not allowing any pressures, including personal financial interests or the financial interests of any person closely connected to the member, to deter them from pursuing the interests of residents, the interests of the Town Council’s area or the good governance of the Town Council in a proper manner.
- Exercising independent judgement and not compromising their position by placing themselves under obligations to outside individuals or organisations who might seek to influence the way they perform their duties as a member/co-opted member of Kington Town Council.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making Kington Town Council’s decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding members to account but restricting access to information when the wider public interest or the law requires it.
- Behaving in accordance with all legal obligations, alongside any requirements contained within the Town Council’s policies, protocols and procedures, including on the use of the Town Council’s resources.
- Valuing colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect that is essential to good local government.
- Always treating people with respect, including the organisations and public engaged with and those worked alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within the Kington Town Council area.
- When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, she/he has the following obligations:
 - To behave in such a way that any reasonable person would regard as respectful

- Not to act in a way that any reasonable person would regard as bullying or intimidating
- Not to seek to improperly confer an advantage or disadvantage on any person
- To use the resources of the Council in accordance with its requirements
- Not to disclose information which is confidential or where disclosure is prohibited by law

REGISTRATION OF INTERESTS

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) she/he shall register with the Town Clerk the interests that fall within the categories set out below.

Upon re-election of a member or re-appointment of a co-opted member, she/he shall within 28 days re-register with the Town Clerk such interests as fall within the categories below.

A member (elected, appointed or co-opted) shall register with the Town Clerk any changes to interests or new interests within 28 days of becoming aware of the interest.

A member need only declare the existence but not the details of any interest which the Town Clerk 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.

Where any member is in any doubt as to whether they have an interest to be declared, it is best if this is declared and the Clerk can advise prior to the meeting for the member to establish whether the member should withdraw from the meeting, or participate but not vote.

Declaration of interests at meetings

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 Town Clerk of it.

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 Town Clerk, the member shall disclose he/she has an interest but not the nature of it.

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.

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 Town Clerk 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 Town Clerk, he/she shall declare the interest but not the nature of the interest.

Where a matter arises at a meeting, which relates to a financial interest of a friend, relative or close associate (other than an interest 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.

Members will also take account of the interests noted below under Appendix B, Other Interests section, and will act according to the guidance there if they consider that they may have an interest that could be covered by this section of this Code of conduct.

Dispensations

On a written request made to the Town Clerk **prior to the meeting**, 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 as noted below, 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.

Members with specific professional expertise

Where a member has specific professional expertise, which may be valuable to the Council, any of its committees or task and finish groups, but where this expertise could be considered to potentially give rise to a future conflict of interest, the Clerk will advise on whether the member can take part in discussions, specifically related to that area of expertise. The member may be required to withdraw from any such meeting, following their input, if there is a risk that otherwise a conflict of interest could arise. The Clerk will record the relevant action in the minutes of the meeting.

APPENDIX A

REGISTRATION AND DISCLOSURE OF PECUNIARY INTERESTS

As a Member² of Kington Town Council (“the Council”) I am required to register certain interests (known as “disclosable pecuniary interests”) of my own and of my partner³. These interests are set out in the table below.

When I am present at a meeting of the Council and I have a disclosable pecuniary interest (**which includes my own interest and that of my partner**) in any matter being considered which is entered in the Council’s register of interests, I do not need to disclose it to the meeting, but I will withdraw from the meeting room when the matter is being discussed and will not participate, or participate further, in any discussion of, or any vote taken on, the matter at the meeting.

If my disclosable pecuniary interest (**which includes my own interest and that of my partner**) is not entered in the Council’s register of interests, I will disclose its existence and, unless it is a sensitive interest⁴, its nature, to the meeting and will notify the Town Clerk of the interest within 28 days of the meeting. I will withdraw from the meeting room when the matter is being discussed and will not participate, or participate further, in any discussion of, or any vote taken on, the matter at the meeting.

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain by you or your partner
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period⁵ in respect of any expenses incurred by you in carrying out your duties as a member, or towards your 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.

² “member” means a member of the Council and includes a co-opted member;

³ Partner includes your spouse, civil partner or person with whom you are living as if they were your spouse or civil partner

⁴ An interest is sensitive if its nature is such that you, and the Clerk, consider that its disclosure could lead to you, or a person connected with you, being subject to violence or intimidation.

⁵ “relevant period” means the period of 12 months ending with the day on which you give a notification of its existence

Contracts	Any contract which is made between you or your partner (or a body in which you or your partner has a beneficial interest ⁶) 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 ⁷ which is within the area of the Council.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge)— (a) the landlord is the Council ; and (b) the tenant is a body in which you or your partner has a beneficial interest.
Securities	Any beneficial interest in securities ⁸ of a body where— (a) that body (to your 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 you or your partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

APPENDIX B

I will further ensure that I will declare as appropriate, any interest which relates to or is

6 “body in which the relevant person has a beneficial interest” means a firm in which you or your partner is a partner or a body corporate of which you or your partner is a director, or in the securities of which you or your partner has a beneficial interest; and “director” includes a member of the committee of management of an industrial and provident society

7 “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;

8 “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.

likely to affect:

(i) any body of which I am in a position of general control or management and to which I am appointed or nominated by the Council;

(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 I am a member or in a position of general control or management;

(iii) any gifts or hospitality worth more than an estimated value of £50 which I have received by virtue of my office.

Other Interests – to be considered as Appendix B

1 In addition if you attend a meeting at which any item of business is to be considered and you are aware that you have a “non-disclosable pecuniary interest or non-pecuniary interest” in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent

2 You have a “non-disclosable pecuniary interest or non-pecuniary interest” in an item of business of your authority where –

2.1 a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority’s administrative area, or

2.2 it relates to or is likely to affect any of the interests listed in the Table in the Appendix A to this Code, but in respect of a member of your family (other than a “relevant person”) or a person with whom you have a close association

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.