Pensax Parish Council

CODE OF CONDUCT FOR MEMBERS

Adopted at Pensax Parish Council meeting on Tuesday 12th May 2026 Minute 6

Part 1

General provisions

Introduction and interpretation

1. (1) This Code applies to you as a member or co-opted member of Pensax Parish Council ('the authority').

(2) You should read this Code together with the Ten Principles of Public Life (also known as the Nolan Principles) set out at Appendix 1, and the Council's Member/Officer Relations Protocol as updated from time to time.

(3) It is your responsibility to comply with the provisions of this Code.

(4) In this Code:

"meeting" means any meeting of:

a) the authority;
b) any of the authority's committees, sub-committees, joint committees, joint sub-committees, or area committees;
c) the executive (Cabinet) of the authority or its committees;
d) an external body upon which the member sits as a representative of the authority

“Monitoring Officer” means the Monitoring Officer for the authority;

“bullying and harassment” includes:

Oppressive behaviour or the abuse of power, which makes the recipient feel threatened, humiliated or vulnerable, and which may undermine his/her self-confidence and cause him/her to suffer stress.

Examples are set out at Appendix 3 to this Code.

Scope

2. (1) This Code applies to you as a Member of this authority when you act in your role as a Member or as a representative of the authority in the circumstances described in paragraph 2 (b) below.

(2) Where you act as a representative of the authority:

a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

b) on any other body, you must, when acting for that other body, comply with the authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. (1) You must treat others with respect in accordance with the Nolan Principles.

(2) You must co-operate with any standards investigations

(3) You must not:

a) do anything which may cause your authority to breach any of the equality enactments;

b) bully or harass any person;

c) intimidate or attempt to intimidate any person who is or is likely to be:

i. a complainant,
ii. a witness, or
iii. involved in the administration of any investigation or proceedings in relation to an allegation that a member (including yourself) has failed to comply with the authority's Code of Conduct;

d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority.

4. You must not:

a) do anything that is likely to cause your authority to breach Data Protection law;

b) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:

i. you have the consent of a person authorised to give it;
ii. you are required by law to do so;
iii. the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
iv. the disclosure is:

(aa) reasonable and in the public interest; and
(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

c) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You:

a) must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

b) must, when using or authorising the use by others of the resources of, or under the control of, the authority:

i. act in accordance with the authority's reasonable requirements including in relation to the use of authority stationery and official logos and branding;
ii. ensure that such resources are not used improperly for political purposes (including party political purposes); and

c) must have regard to any applicable Local Authority Code of Publicity.

7. You must:

a) when reaching decisions on any matter have regard to any relevant advice provided to you by the authority's officers and in particular by the authority's Monitoring Officer and Section 151 Officer; and

b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority.

8. You must not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties and must comply with the authority's guidance on gifts and hospitality (attached at Appendix 4).

Part 2

Interests

Disclosable Pecuniary Interests ("DPI")

9. (1) You will have a Disclosable Pecuniary Interest ("DPI") under this Code if:-

a) such interest meets the definition prescribed by the DPI Regulations as amended from time to time and set out in Appendix 2 to this Code; and

b) it is either an interest of yourself or it is an interest of :-

i. your spouse or civil partner;

ii. a person with whom you are living as husband and wife: or

iii. a person with whom you are living as if you were civil partners;

and you are aware that the other person has the interest.

Registration of DPIs

10. (1) You must within 28 days of becoming a Member of the authority or being re-elected notify the Monitoring Officer in writing of any DPI which you hold at the time notification is given.

(2) You must within 28 days of becoming aware of any new DPI, or changes to existing DPIs, notify the Monitoring Officer in writing.

Other Disclosable Interests

11. (1) You will have a Disclosable Interest in any matter if you are aware that you or a member of your family or person or organisation with whom you are associated have:-

a) a pecuniary interest in the matter under discussion which is not de minimis; or
b) a close connection with the matter under discussion.

(2) If you are a member of another local authority, or public body, or you have been appointed as the authority's representative on an outside body, you do not have a Disclosable Interest unless a member of the public knowing the circumstances would reasonably regard membership of the body concerned as being likely to prejudice your judgment of what is in the public interest.

Disclosure of Interests

12. (1) Formal Meetings

Disclosable Pecuniary Interest (DPI)

If you are present at a meeting and you have a DPI then you must:

a) disclose the nature and existence of the interest;

b) leave the meeting (including the meeting room and public gallery) and take no part in the discussion; and

c) if the interest has not already been recorded notify the Monitoring Officer of the interest within 28 days beginning with the date of the meeting.

Other Disclosable Interests

If you are present at a meeting and you have an Other Disclosable Interest, then you must:

a) disclose the nature and existence of the interest; and

b) if the interest:

i. affects your pecuniary interests or relates to the determination of a planning or regulatory matter; and
ii is one which a member of the public knowing the circumstances would reasonably regard as being likely to prejudice your judgment of what is in the public interest

then you must leave the meeting (including the meeting room and public gallery) and take no part in the discussion.

(2) **Informal meetings and correspondence**

Disclosable Pecuniary Interest (DPI)

If you have a DPI in the matter you must not participate in informal meetings, briefings or site visits and must disclose the DPI in any correspondence with the Council.

Other Disclosable Interest (ODI)

If you have an ODI in the matter, then you must disclose the existence and nature of that interest at informal meetings, briefings or site visits and must disclose the ODI in any correspondence with the authority.

If the ODI is such that you would be required to leave a formal meeting as above, then you must not participate in the informal meeting.

(3) **Single Member Decisions**

Disclosable Pecuniary Interest (ODI)

If when participating in single member decision making you have a DPI in the matter being decided then you must take no steps in relation to the decision other than asking for the matter to be decided in some other manner.

(4) Other Disclosable Interest (ODI)

If you have an ODI in the matter being decided, then you must disclose the existence and nature and record it on the record of decision.

If the ODI is such that you would be required to leave a formal meeting as set out above, then you must take no steps in relation to the decision other than asking for the matter to be decided in some other manner

(5) **Dispensations**

You may take part in the discussion of and vote on a matter in which you have been granted a dispensation.

Sensitive information

13. (1) An interest will be a sensitive interest if the 2 following conditions apply:

a) that you have an interest (whether or not a DPI); and
b) the nature of the interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you or a person connected to you being subject to violence or intimidation.

(2) Where it is decided that an interest is a "sensitive interest" it will be excluded from published versions of the register. The Monitoring Officer may state on the register that the member has an interest the details of which are excluded under this section.

(3) Where the sensitive interest is a DPI the usual rules relating to disclosure will apply save that the member will only be required to disclose that they hold a DPI in the matter concerned.

APPENDIX 1

The Ten Principles of Public Life

APPENDIX 2

The Localism Act Definition of Disclosable Pecuniary Interests Regulations

APPENDIX 3 (NEW)

Examples of bullying and harassment

APPENDIX 4 (NEW)

Gifts and Hospitality

Appendix 1

MEMBERS CODE OF CONDUCT

THE TEN GENERAL PRINCIPLES OF PUBLIC LIFE

Selflessness – Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity – Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

Objectivity – Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability – Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness – Members should be as open as possible about their actions and those of their authority and should be prepared to give reasons for those actions.

Personal judgement – Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others – Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

Duty to uphold the Law – Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship – Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership – Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

STATUTORY INSTRUMENTS

2012 No. 1464

LOCAL GOVERNMENT, ENGLAND

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

Made - - - -	*6th June 2012*
Laid before Parliament	*8th June 2012*
Coming into force - -	*1st July 2012*

The Secretary of State, in exercise of the powers conferred by sections 30(3) and 235(2) of the Localism Act 2011(**a**), makes the following Regulations.

Citation, commencement and interpretation

—(1) These Regulations may be cited as the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and shall come into force on 1st July 2012.

In these regulations—

"the Act" means the Localism Act 2011;

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

"director" includes a member of the committee of management of an industrial and provident society;

"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;

"M" means a member of a relevant authority;

"member" includes a co-opted member;

"relevant authority" means the authority of which M is a member;

"relevant period" means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

"relevant person" means M or any other person referred to in section 30(3)(b) of the Act;

"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(**b**) and other securities of any description, other than money deposited with a building society.

Specified pecuniary interests

The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Act are the interests specified in the second column of the Schedule to these Regulations.

(**a**) 2011 c.20.
(**b**) 2000 c. 8.

Signed by authority of the Secretary of State for Communities and Local Government

Grant Shapps
Minister of State
6th June 2012 Department for Communities and Local Government

SCHEDULE

Regulation 2

Subject	*Prescribed description*
Employment, office, trade, profession or vacation	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 M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(**a**).
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 M's 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 M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either—

(**a**) 1992 c. 52.

(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.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 30 of the Localism Act 2011 provides that a member or co-opted member of a relevant authority as defined in section 27(6) of the Localism Act 2011, on taking office and in the circumstances set out in section 31, must notify the authority's monitoring officer of any disclosable pecuniary interest which that person has at the time of notification. These Regulations specify what is a pecuniary interest. Section 30(3) of the Act sets out the circumstances in which such an interest is a disclosable interest.

A full impact assessment has not been produced for these Regulations as no impact on the private or voluntary sectors is foreseen.

Appendix 3

EXAMPLES OF BULLYING AND HARASSMENT

Bullying and harassment may include:

- physical contact ranging from touching to assault
- verbal and written comments through jokes, offensive language, personal comments about appearance, size, clothing etc
- innuendo, gossip and letters etc.
- malicious rumours and allegations, including fabricating complaints from clients and other members of staff.
- open aggression, threats, shouting, abuse and obscenities, persistent negative attacks.
- constant humiliation, criticism and ridicule, belittling efforts and undervaluing contribution
- trolling behaviour.

Harassment is unwanted conduct on the grounds of any protected characteristic as defined by the Equality Act 2010, political or Trade Union affiliation, or take the form of victimisation, that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or

- is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

This is not exhaustive.

Appendix 4

GIFTS AND HOSPITALITY

1. Minor gifts and hospitality are sometimes part of the normal courtesies of life: a resident may offer a modest gift as a token of appreciation and sometimes simple items such as diaries and pens are distributed as advertising matter. In dealing with a matter in your ward you may be offered a cup of tea or light refreshments.

2. As a guideline, any gift or hospitality with a value of **£15 or** more is highly unlikely to be viewed as a 'token'. You must consider whether it is appropriate to accept even token gifts, especially where you are dealing with regulatory or procurement matters when it would usually be inappropriate to receive any gift from involved parties. In case of doubt you should consult the Monitoring Officer.

3. Offers of hospitality, even if seemingly minor in nature, must be treated with particular caution as they can leave individuals and the Council open to allegations of impropriety. The timing of offers of hospitality, for example in relation to the award of contracts, granting of applications or other decisions, should be considered equally to the generosity of the hospitality offered. Accepting hospitality must be justified in the public interest, for example when there is a genuine need to represent the Council.

4. All offers and receipt of gifts and hospitality with a value of £**15** or higher must be reported to the Monitoring Officer who will ensure it is recorded.