

1. Introduction

- 1.1** Denham Parish Council has adopted this Code of Conduct pursuant to section 27 of the Localism Act 2011 (the Act) 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 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
- 1.2** This Code of Conduct complies with Section 28 of the Act and is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

2. Scope

- 2.1** This Code of Conduct applies to you whenever you are acting in your capacity as a Councillor or Associate Member of Denham Parish Council, including: –
- a) at formal meetings of the Council, its Committees, Sub-Committees and Working Parties
 - b) when acting as a representative of the Council
 - c) in taking any decision as a member of Council
 - d) in discharging your functions as a Parish Councillor
 - e) at briefing meetings with officers
 - f) at site visits and
 - g) when corresponding with authorities other than in a private capacity
- 2.2** Where you act as a representative of Denham Parish Council:-
- a) on another authority, you must when acting for that 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 this Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
- 2.3** When using social media or the internet and/or in relation to your online presence if you refer in any way to your role as a Councillor or co-opted member or could reasonably be perceived as acting in any of the above capacities when doing so.

3. Member obligations

You must:

- a) provide leadership to the Council and communities within its area, by personal example;
- b) respect others and not bully any person;
- c) recognise that officers (other than political assistants) are employed by and serve the whole Council;
- d) respect the confidentiality of information which you receive as a Councillor or co-opted member and –

- i. not disclose confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so; and
 - ii. not obstruct third parties' legal rights of access to information;
- e) not conduct yourself in a manner which is likely to bring the Council into disrepute;
- f) use your position as a Councillor or co-opted member in the public interest and not for personal advantage;
- g) act in accordance with the Council's reasonable rules on the use of the resources of the Council for private or political purposes;
- h) exercise your own independent judgement, taking decisions for good and substantial reasons
 - i. attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups;
 - ii. paying due regard to the advice of officers, and in particular to the advice of the statutory officers, namely the Head of Paid Service, the Section 151 Officer and the Monitoring Officer; and
 - iii. stating the reasons for your decisions where those reasons are not otherwise apparent;
- i) account for your actions, particularly by supporting the Council's scrutiny function;
- j) ensure that the Council acts within the law.

4. Personal Interests

4.1 In addition to the statutory requirements under the Act in relation to Disclosable Pecuniary Interest's (DPI's) and as set out in Paragraph 4.15 and Appendix A below and save for the subject interest already having been declared as a DPI and the statutory provisions complied with, the following Paragraphs 4.2 to 4.14 shall also apply.

4.2 You have a personal interest in any business of the Council where either

- a) it relates to or is likely to affect –
 - i. Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council;
 - ii. Any body –
 - Exercising functions of a public nature
 - Directed to charitable purposes; or
 - One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
 Of which you are a member or in a position of general control or management;
 - iii. Any person or body who employs or has appointed you;
 - iv. The interests of any person or body from whom you have received a gift or hospitality with an estimated value of at least £50;
- b) A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected by the decision.

4.3 In sub-paragraph 4.2, part b) above, a relevant person is –

- a) A member of your family or any person with whom you have a close personal association; or
- b) Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or

- c) Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- d) Any person or body of a type described in sub-paragraph 4.2, part a).

Disclosure of Personal Interests

- 4.4** Subject to Paragraphs 4.5 to 4.8, where you have a personal interest in any business of the Council and you attend a meeting of the Council at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- 4.5** Where you have a personal interest in any business of the Council which solely relates to a body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council, you need only disclose to the meeting the existence and nature of that interest if that interest is prejudicial (see Paragraphs 4.10 to 4.12).
- 4.6** Where you have a personal interest in any business of the Council of the type mentioned in Paragraph 4.2, part a) .iv, you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- 4.7** Paragraph 4.4 only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- 4.8** Subject to Paragraph 4.13, where you have a personal interest in any business of the Council and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that personal interest.
- 4.9** Having declared a personal interest you may continue to speak and vote on the item of business concerned.

Prejudicial Interest Generally

- 4.10** Subject to Paragraph 4.11, where you have a personal interest in any business of the Council you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- 4.11** You do not have a prejudicial interest in any business of the Council where that business —
- a) does not affect your financial position or the financial position of a person or body described in Paragraph 4.2;
 - b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in Paragraph 4.2; or
 - c) relates to the functions of the Council in respect of —
 - i. an allowance, payment or indemnity given to Councillors;
 - ii. any ceremonial honour given to Councillors; and
 - iii. setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial Interests Arising in Relation to Select Committees

- 4.12** You also have a prejudicial interest in any business before a Select Committee of the Council (or of a sub-committee of such a committee) where—
- a) that business relates to a decision made (whether implemented or not) or action taken by the Cabinet or another of the Council's committees, sub-committees, joint committees or joint sub-committees; and
 - b) at the time the decision was made or action was taken, you were a member of the Cabinet, committee, sub-committee, joint committee or joint subcommittee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of Prejudicial Interests on Participation

- 4.13** Subject to Paragraph 4.14, where you have a prejudicial interest in any business of the Council—
- a) you must declare the existence and nature of your interest and withdraw from the room or chamber where a meeting considering the business is being held—
 - i. in a case where Paragraph 4.14 applies, immediately after making representations, answering questions or giving evidence;
 - ii. in any other case, whenever it becomes apparent that the business is being considered at that meeting;
 - b) you must not exercise executive functions in relation to that business; and
 - c) you must not seek improperly to influence a decision about that business.

- 4.14** Where you have a prejudicial interest in any business of the Council you may attend a meeting (including a meeting of the relevant Select Committee of the Council or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Disclosable Pecuniary Interest

- 4.15** A Disclosable Pecuniary Interest (DPI) is as defined in 'The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012' (The Regulations) and the categories of interest are set out in Appendix A.

- 4.16** Councillors or co-opted members who have a Disclosable Pecuniary Interest in any item of business being considered at a meeting of the Council, its Committees, Sub-Committees, Joint Committees, Cabinet and/or Policy Advisory Groups, must leave the room or chamber including the public gallery during the whole of the consideration of that item except where a Councillor or co-opted member is permitted to remain as a result of the grant of a dispensation.

5. Registration of interests

- 5.1** Subject to Paragraph 5.5, you must, within 28 days of this Code of Conduct becoming applicable or your election or appointment to office register in the council's register of members' interests, maintained under Section 29 of the Act, details of any DPI which you or your spouse or civil partner (or person with whom you are living as spouse or civil partner) may have, together with your personal interests where they fall within a category

mentioned in Paragraph 4.2 a)., by providing written notification to the Council's Monitoring Officer.

- 5.2** Failure to register or disclose any DPI in accordance with section 30(1) or 31(2), (3) or (7) of the Act, or participating in any discussion or vote in contravention of section 31(4) of the Act, or taking any steps in contravention of section 31(8) of the Act, is a criminal offence and risks a fine not exceeding level 5 on the standard scale (currently £5,000) or disqualification as a Councillor for a period not exceeding 5 years.
- 5.3** Subject to Paragraph 5.5, you must, within 28 days of becoming aware of any new DPI and/or personal interest or change to any DPI and/or personal interest registered under Paragraph 5.1 register details of that new DPI and/or personal interest or change by providing written notification to the Council's Monitoring Officer.
- 5.4** Subject to Paragraph 5.5, you are required to disclose the existence and nature of any DPI when it arises at a meeting even where already registered in the register or pending registration so the minutes can be duly noted.

Sensitive Interest

- 5.5** Where you consider that you have a sensitive interest (whether or not a DPI), and the Council's Monitoring Officer agrees, if the interest is entered in the Council's register, copies of the register that are made available for inspection and any published version of the register, must not include details of the interest (but may state that the Councillor or co-opted member has an interest the details of which are withheld under section 32 (2) of the Act) and any public declaration required need only state the fact an interest arises without further detail.
- 5.6** You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under Paragraph 5.5 is no longer a sensitive interest, notify the Council's Monitoring Officer asking that the interest be included in the Council's register of members' interests.
- 5.7** In this Code, "sensitive interest" means an interest, the nature of which is such that you and the Council's Monitoring Officer consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation.

Dispensations

- 5.8** On a written request made to the Council's Monitoring Officer, the Council may grant a dispensation for you to participate in a discussion and vote on a matter at a meeting even if you have a DPI or a prejudicial interest and that you be relieved of the obligation to otherwise withdraw from the room in which the matter is being considered if the Council considers that the number of Councillors or co-opted members otherwise prohibited from taking part in the meeting would be so great a proportion of the body transacting the business that it would impede the transaction of the business; or the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote on the business; or it is in the interests of the inhabitants in the Council's area to allow you to take part or that without the dispensation the Councils Cabinet would be prohibited from participating in the matter or it is otherwise appropriate to grant a dispensation.

6. Declaration of interests at meetings

- 6.1** 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 Monitoring Officer of it.
- 6.2** 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 is not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.
- 6.3** 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.
- 6.4** 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 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.
- 6.5** 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.

7. Arrangements for Dealing with Complaints against Councillors

Context

- 7.1** The Council is committed to promoting and maintaining high standards of conduct amongst its Councillors and has adopted this Code of Conduct setting out the conduct it expects of its Councillors as they carry out that role.
- 7.2** The Code applies to Councillors and Associate Members when they go about the work of the Council or their role as a Councillor or co-opted member. The Council will not investigate complaints relating to a Councillor's private life.
- 7.3** If anyone thinks a Councillor or Associate Member has not complied with the Council's Code of Conduct for Councillors a complaint can be made to the Monitoring Officer who will consider the complaint in the following way.
- 7.4** Complaints raised to the Chairman or the Clerk will be investigated and determined by a committee made up of members of the Parish Council. Complaints will be referred to the Monitoring Officer if necessary.

How We Deal with Complaints

Initial Assessment

7.5 The Monitoring Officer will carry out an Initial Assessment to determine whether the complaint is within the Code of Conduct and whether, having regard to the referral criteria in Paragraph 7.11 below it should be progressed.

Stage One

7.6 If the Monitoring Officer determines that the complaint should be progressed we will tell the Councillor or co-opted member that you are complaining about (also called the 'subject member') that we have received a complaint and provide them with details of your complaint which may include a copy – unless you have requested confidentiality (in which case your details will not be disclosed unless and until your request for confidentiality has been considered – see further below).

7.7 The subject member will be invited to respond within 20 working days – including in their response any suggestion to resolve the complaint.

7.8 Details of the response will be made available to you and you will be asked if you are satisfied – if yes, no further action will be taken or the action proposed by the subject member will proceed; if not, you will be asked if you wish your complaint to be considered further under Stage Two

Stage Two

7.9 In most cases your complaint will be considered by the Council's Monitoring Officer, or their Deputy, or by the Monitoring Officer and the Chairman/Vice- Chairman of the Council's Standards and General Purposes Committee if considered appropriate due to the seriousness of the alleged behaviour. An Independent Person (see Paragraph 4.2 above) may be consulted and their views taken into account. An Independent Person will be consulted if a referral for investigation is deemed appropriate or if the Monitoring Officer considers it will not be possible to resolve the complaint informally. This will happen within an average of 20 working days of the date of the commencement of Stage Two.

Stage Three

7.10 If the decision at Stage Two is to investigate the complaint, the Monitoring Officer will appoint an investigator whose report will be considered by the Hearings Sub-Committee of the Council's Standards and General Purposes Committee – or in some cases to the full Committee – who will decide whether (i) a breach has taken place and if so the appropriate remedy; (ii) a formal hearing is necessary to determine whether a breach has occurred and/or the appropriate remedy; or (iii) if and what any further action is appropriate.

Referral Criteria

7.11 Whilst each allegation will be considered on its individual merits, the following "Referral Criteria" will be used to decide whether to accept a complaint and as factors for consideration at each stage of the process:

- a) the public benefit in investigating the alleged complaint;

- b) the availability and cost of resources with regard to the seriousness of the alleged matter;
- c) whether the information submitted is sufficient to make a decision as to whether to refer for investigation;
- d) is the subject member complained about still a serving Councillor or co-opted member;
- e) is the complaint the same as or similar to a previous complaint;
- f) the time passed since the alleged conduct occurred;
- g) the complaint involves conduct too trivial to warrant further action;
- h) does the complaint appear to be malicious, politically motivated or tit for tat;
- i) whether the matter complained of is an individual act or part of a continuous pattern of behaviour which should be cumulatively considered;
- j) steps taken or proposed to remedy the action complained of;
- k) the complainant's view of the action taken or proposed.

General

7.12 The relevant parties will be kept informed at all stages of the complaint.

7.13 There is no right of appeal under any stage of this complaints procedure.

7.14 The remedies available may include:

- a) informal resolution (ie where a formal remedy may not be appropriate but a resolution is considered advisable. This is not limited to, but may take the form of, an apology or an explanation). An informal resolution may be by recommendation only;
- b) Report to Council;
- c) Formal letter to subject member;
- d) Formal censure by motion;
- e) Recommendation to Leader/Group Leader or Town/Parish Council, as applicable, that the subject member is removed from Special Responsibilities – i.e. Cabinet/Committees/Outside Bodies;
- f) Press release or other publicity.

7.15 Please note the Council has no authority to withhold allowances or to suspend or remove a Councillor from office.

7.16 All decisions should be published unless the subject member requests nonpublication where it is found that the Code of Conduct has not been breached.

7.17 An **Independent Person** is someone who has been appointed by the Council under Section 28 of the Localism Act 2011. Independent Persons must be appointed through a process of public advertisement, application and appointment by a positive vote of a majority of all Councillors of the Council – i.e. by full Council.

7.18 A Person is considered not to be 'independent' if:-

- a) they are or have been in the previous 5 years an elected or co-opted member or officer of the Council or any Parish in the area or an elected or co-opted member of any committee or sub-committee of the Council or any Parish in the area or
- b) they are a relative or close friend of a current Councillor or co-opted member or officer of the Council or any Parish in the area – or any elected or co-opted members of any committee or sub-committee of such a Council.

▪ **APPENDIX A**

Subject	Description
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	<p>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 6.1 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract made between the member and 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 a person is a director* or such person has a beneficial interest in the securities of*) and the council -</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	<p>Any beneficial interest in land held by the member or by his/her spouse or civil partner or by a person with whom the member is living as if they were spouses/civil partner which is within the area of the Council.</p> <p>'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 by a 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.</p>
Licences	Any licence (alone or jointly with others) held by a member or his/her spouse or civil partner or by a 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	<p>Any tenancy where (to the members knowledge):-</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body that the member or his/her spouse or civil partner or by a 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.</p>

Securities	<p>Any beneficial interest that the member, his/her spouse or civil partner or by a person with whom the member is living as if they were spouses/civil partners in securities* of a body where:-</p> <p>(a) that body (to the members knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either:-</p> <p style="padding-left: 40px;">(i) the total nominal value of the securities exceeds £25,000 or 1% of the total issued share capital of that body; or</p> <p style="padding-left: 40px;">(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, his/her spouse or civil partner or by a person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds 1% of the total issued share capital of that class.</p>
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▪ **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. 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;

- iii. any gifts or hospitality worth more than an estimated £50 which the member has received by virtue of his or her office.

Jagjit Brar – Clerk
December 2020

Adopted at Meeting of the Full Council on 14 December 2020

To be reviewed at Full Council on 10 May 2021