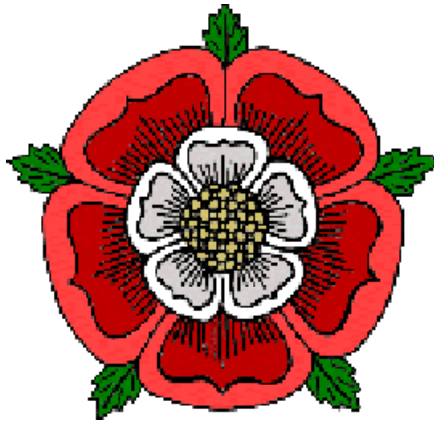


# BRADING TOWN COUNCIL



# CODE OF CONDUCT POLICY

REVIEWED: 21 June 2021  
ADOPTED: 21 June 2021  
Minute No: 8/21 (iv)

# THE CODE OF CONDUCT

For members of the **Brading Town Council**

## 1. Introduction and interpretation

- a. This Code applies to you as a member of the Brading Town Council
- b. You should read this Code together with the seven general principles prescribed by the Localism Act 2011 as follows:

**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.

**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.

- c. It is your responsibility to comply with the provisions of this Code.
- d. In this Code—

"meeting" means any meeting of—

- (a) the Brading Town Council
- (b) any of the Brading Town Council or its committees, sub-committees, joint committees, joint sub-committees, panels or area committees;

"member" includes a co-opted member and an appointed member.

In relation to a parish or town council, references to an authority's monitoring officer shall be read as references to the monitoring officer of the Isle of Wight Council under section 55(12) of the Local Government Act 2000.

## 2. Scope

- a. Subject to sub-paragraphs b. to e., you must comply with this Code whenever you—
  - i. conduct the business of the Brading Town Council (which, in this Code, includes the business of the office to which you are elected or appointed); or
  - ii. act, claim to act or give the impression you are acting as a representative of the Brading Town Council,and references to your official capacity are construed accordingly.
- b. This Code does not have effect in relation to your conduct other than where it is in your official capacity.
- c. Where you act as a representative of the (Brading Town Council
  - i. on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
  - ii. on any other body, you must, when acting for that other body, comply with the Brading Town Council Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

## 3. General obligations

- a. You must treat others with respect.
- b. You must not—
  - i. do anything which may cause the Brading Town Council to breach any of the equality enactments (in particular the Equality Act 2010);
  - ii. bully any person;
  - iii. intimidate or attempt to intimidate any person who is or is likely to be—
    1. a complainant,
    2. a witness, or
    3. involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with their Council's code of conduct; or
  - iv. do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Brading Town Council

## 4. You must not—

- a. 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—
    1. reasonable and in the public interest; and
    2. made in good faith and in compliance with the reasonable requirements of the authority; or
- b. 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 the Brading Town Council 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 the Brading Town Council
    - i. act in accordance with the Brading Town Council's reasonable requirements;
    - 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 made under the Local Government Act 1986.
7. When reaching decisions on any matter you must have regard to any relevant advice provided to you by the Clerk of the Brading Town Council
8. You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Brading Town Council

#### 9. **Register of Interests**

You must complete your register of interest within 28 days of being elected and then update your register of interests within 28 days of any event that requires a change.

#### 10. **Declaration of an Interest**

##### **i) DISCLOSABLE PECUNIARY INTERESTS (APPENDIX A)**

- a) If you have a matter due to be considered by the Brading Town Council that affects a matter disclosed in your register of interest or your register of disclosable pecuniary interests then **you must declare that interest before the matter is being discussed or when that interest becomes apparent.**
- b) If the matter relates to **an interest in your register of pecuniary interests** then **you must take no part in its consideration** and if it is being considered at a meeting of the Brading Town Council **you must leave the room for that item, other than to participate as a member of the public to express your views where public speaking is allowed under the Council's normal procedures.** In such cases **once you have participated as a member of the public you must leave the room during the remainder of the debate.**

##### **ii) NON PECUNIARY/OTHER INTERESTS (APPENDIX B)**

- a) Where a matter arises at a meeting which relates to an interest in Appendix B - Non Pecuniary, **the member shall take no part in its consideration and 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.**
- b) A member only has to declare his/her interest in Appendix B - Non Pecuniary 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 -

Non Pecuniary 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.

- c) 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 - Pecuniary), 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.

## 11. Register of Gifts and Hospitality

You must register with the Town Clerk any gift or hospitality exceeding a value of £50 that you have been offered (whether accepted or not) as part of your role as a member of the Brading Town Council.

## 12. Dispensations

- a) On a written request made to the Town Clerk, the Town Council may grant an individual member a dispensation to participate in a discussion and vote on a matter at a meeting even if he/she has a pecuniary interest 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
- b) On a written request made to the Town Clerk , where a matter to be discussed by the Council **will affect all or most of the Members of the Council** (e.g. the annual setting of the Precept), the Town Clerk has delegated powers to grant dispensation under sec 101 of the Local Government Act 1972

Adopted: 21 June 2021  
Minute Number: 8/21 (iv)

Signed



Mayor of Brading

Date 21 June 2021

## APPENDIX A – DISCLOSABLE PECUNIARY INTERESTS

<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.
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 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) 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 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 – NON PECUNIARY INTERESTS**

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 value of £50 which the member has received by virtue of his or her office.