

THE CODE OF CONDUCT

1. Introduction and interpretation

- (a) This Code applies to you as a member of the Niton and Whitwell Parish Council.
- (b) You should read this Code together with the seven general principles prescribed by the Localism Act 2011 as follows:

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

Selflessness - Holders of public office should act solely in terms of the public interest.

Integrity - Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity - Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability - Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness - Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty - Holders of public office should be truthful.

Leadership - Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

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

"meeting" means any meeting of—

- (i) the Niton and Whitwell Parish Council;
- (ii) any of the Niton and Whitwell Parish Council's 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 Niton and Whitwell Parish 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 Niton and Whitwell Parish 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 Niton and Whitwell Parish 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 Niton and Whitwell Parish Council's 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 Niton and Whitwell Parish 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. 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, Niton and Whitwell Parish 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 Niton and Whitwell Parish 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 Niton and Whitwell Parish Council

- (i) act in accordance with the Niton and Whitwell Parish Council 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—

- (a) The Niton and Whitwell Parish Council's Responsible Financial Officer; or
- (b) the Isle of Wight Council's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

8. You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Niton and Whitwell Parish 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

If you have a matter due to be considered by the Niton and Whitwell Parish 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.

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 Niton and Whitwell Parish Council you must leave the room for that item.

Should you wish to participate as a member of the public to express your views where public speaking is allowed under the Council's normal procedures, then you will need to seek a dispensation to do so. Dispensations are considered by the Clerk.

11. Personal Interests

A Member has a "personal interest" in an item of business where it relates to or is likely to affect any of the following bodies of which they are a member: a public or charitable body, any body to which the Member has been appointed by the authority, any political party, trade union or other body one of whose principal purposes is to influence public opinion or policy.

A Member also has a "personal interest" in an item of business where a decision in relation to it might reasonably be regarded as affecting the well-being or financial position of the Member, a member of the Member's family or person with whom they have a close association, more than other payers of the precept or inhabitants of the authority's area.

A Member shall disclose a “personal interest” at a meeting of the authority, committee or sub-committee, where the Member considers that interest to be relevant to any item of business being considered at that meeting. The disclosure shall be made at the commencement of the meeting, or when the interest becomes apparent, and shall be recorded in the minutes of the meeting.

Disclosure of a personal interest will only affect the ability of the Member to participate in discussion or vote on the relevant item if it is also a disclosable pecuniary interest; OR if the personal interest is so close (ie the matter directly affects a member of your family). In either case you should exclude yourself from the meeting.

12. Register of Gifts and Hospitality

You must register with the Monitoring Officer 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 Niton and Whitwell Parish Council.