

Local Authorities (Model Code of Conduct) Order 2007 No.1159

**THE MODEL CODE OF CONDUCT
FOR PARISH AND TOWN COUNCILS**

Adopted by Bletchingley Parish Council on 9 July 2007

Part 1

General provisions

Introduction and interpretation

1.— This Code applies to **you** as a member of an authority.

(1) You should read this Code together with the general principles prescribed by the Secretary of State (see Annexure to this Code).

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

(3) In this Code—

“meeting” means any meeting of—

- (a) the authority;
- (b) any of the authority’s committees or sub-committees, joint committees or joint sub-committees;

“member” includes a co-opted member and an appointed member.

(4) References to an authority’s monitoring officer and an authority’s standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2.— Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—

- (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
- (b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your 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 your 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.— You must treat others with respect.

(1) You must not—

- (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006⁽¹⁾);
- (b) bully 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 his or her authority's code of conduct; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

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—
 - (aa) reasonable and in the public interest; and
 - (bb) 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 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 your authority—
 - (i) act in accordance with your authority's reasonable requirements; and
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes).
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7. Paragraph 7 does not apply to your authority.

Part 2

Interests

Personal interests

8.— You have a personal interest in any business of your authority 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 your authority;
- (ii) any body—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) 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 employment or business carried on by you;
- (iv) any person or body who employs or has appointed you;
- (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
- (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
- (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
- (ix) any land in your authority's area in which you have a beneficial interest;
- (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
- (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (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—
 - (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
 - (ii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

(2) In sub-paragraph (1)(b), a relevant person is—

- (a) a member of your family or any person with whom you have a close 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;
- (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 body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9.— Subject to sub-paragraphs (2) to (5), where you have a personal interest in any business of your authority and you attend a meeting of your authority 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.

(1) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(2) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), 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.

(3) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(4) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

Prejudicial interest generally

10.— Subject to sub-paragraph (2), where you have a personal interest in any business of your authority 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.

(1) You do not have a prejudicial interest in any business of the authority where that business—

- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
- (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 8; or
- (c) relates to the functions of your authority in respect of—
 - (i) this sub-paragraph does not apply to your authority;
 - (ii) this sub-paragraph does not apply to your authority;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

11. Paragraph 11 does not apply to your authority.

Effect of prejudicial interests on participation

12.— Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—

- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
 - (i) in a case where sub-paragraph (2) 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;
 unless you have obtained a dispensation from your authority's standards committee; and
- (b) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting 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.

Part 3

Registration of Members' Interests

Registration of members' interests

13.— Subject to paragraph 14, you must, within 28 days of—

- (a) this Code being adopted by or applied to your authority; or
- (b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14.— Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(1) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(2) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Annexure - The Ten General Principles

The general principles governing your conduct under the *Relevant Authorities (General Principles) Order 2001* are set out below:

Selflessness

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

Honesty and Integrity

2. 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

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

Accountability

4. 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

5. 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

6. 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

7. 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

8. 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

9. 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

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

CONFIDENTIAL BUSINESS
(See Standing Order)

Business to be transacted in the absence of the public must fall into one of the following nine categories.

The applicable category shall be quoted in full within the resolution to exclude the public from the meeting.

Discussion on:-

1. Employees, former employees and prospective employees.
2. Accommodation, services or financial assistance provided by the Council to an individual.
3. Details of the terms of contracts for the acquisition or disposal of property or for the supply of goods and services.
4. Negotiations in labour relations.
5. Advice received, information obtained or action to be taken in connection with any legal proceedings involving the Council.
6. Action taken or to be taken in connection with the prevention, prosecution or investigation of a crime.
7. The identity of an individual who gives information to the Council about a criminal offence, breach of statutory duty, breach of planning control or a nuisance.
8. Information provided by a government department or other statutory authority on terms that forbid disclosure to the public.
9. Information, the disclosure of which is prohibited by, or under any enactment, or by order of a court.

COMPLAINTS PROCEDURE – CODE OF PRACTICE
(See Standing Order)

Before the Meeting

1. The complainant should be asked to put the complaint about the Council's procedures or administration in writing to the Clerk or other nominated Proper Officer.
2. If the complainant does not wish to put the complaint to the Clerk or other Proper Officer, they may be advised to put it to the Chair of the Council.
3. The Clerk shall acknowledge the receipt of the complaint and advise the complainant when the matter will be considered by the Council or by the Committee established for the purposes of hearing complaints.
4. The complainant shall be invited to attend the relevant meeting and bring with them such representation as they wish.
5. Seven clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence they wish to refer to at the meeting. The Council shall similarly provide the complainant with copies of any documentation upon which they wish to rely at the meeting.

At the Meeting

6. The Council shall consider whether the circumstances of the meeting warrant the exclusion of the press and public. Any decision on a complaint shall be announced at the Council Meeting in public.
7. The Chair to introduce everybody.
8. The Chair to explain the procedure.
9. The Complainant (or representative) to outline the grounds for the complaint.
10. Members to ask any questions to the complainant.
11. If relevant, the Clerk or Proper Officer to explain the Council's position.
12. Members to ask any questions of the Clerk or Proper Officer.
13. Clerk or other Proper Officer and complainant to be offered the opportunity of last word (in this order).
14. Clerk or other Proper Officer and complainant to be asked to leave the room while Members decide whether or not grounds for the complainant have been made. (Both parties may be invited back if a point of clarity is necessary.)
15. Clerk or other Proper Officer and complainant return to hear decision, or to be advised when a decision will be made.

After the Meeting

16. Decision to be confirmed in writing within seven working days together with details of any action to be taken.

This Complaints Procedure was adopted by the Council at its meeting held on 17 July 2006.

PLANNING GUIDANCE
(See Standing Order)

1. Remit of the Planning Committee

The Planning Committee of Bletchingley Parish Council has delegated powers from the full Council and thus comments on applications on behalf of the Council. All Bletchingley Parish Council members are notified of applications to be heard.

Whilst considering the views of residents and other interested parties, the Planning Committee is not bound to pass on these views when making its decisions. In the same way, Tandridge District Council, as the planning authority, is not bound to take into account the views of the Bletchingley Parish Council or its Planning Committee although local knowledge can be vital.

Each application has to be considered on its merits.

It is the Parish Council's policy to comment on all applications. The wording the Parish Council uses is at its discretion, however the comments will generally fall into one of the following three categories:

- Do not object, possibly giving reasons
- Do not object in principle, but expressing concerns over certain aspects of the application
- Object to it, giving reasons

In addition the Parish Council may request the Planning Authority to consider imposing conditions if the application is granted planning approval, e.g. enhanced landscaping, or times that industrial units can be in use.

2. Aspects that the Parish Council will take into account when formulating its comments on planning applications

General: Whatever the application the Parish Council will always consider:

- The policies contained within the Tandridge District Plan. However the Parish Council will not consider itself constrained by such policies when commenting.
- Planning Guidelines (PPG's) issued by the Government. Again the Parish Council will not feel itself constrained by such policies when commenting.
- The general design of the proposal, including materials used.
- **Compliance to the Bletchingley Parish Council Five Year Plan**
- The effect the proposal will have on neighbouring properties. However, as neighbouring residents will be given the opportunity to comment directly to Tandridge District Council, comments by the Parish Council are only likely to be made if the proposal will have a detrimental effect.
- The visual consequence of the proposal, particularly from where the development can be seen by the public generally.
- Whether, in the Parish Council's view, the application will cause any highway problems.
- Landscaping proposals where submitted.
- Local knowledge on flooding and drainage issues.
- Wildlife issues.

Extensions to dwellings: In addition to the above the Parish Council will consider:

- The design of the extension, both in its own right and compared to the existing structure.
- The size of the extension, both in actual terms, and relative to the existing dwelling.
- The size of the plot on which the complete dwelling will be positioned, with particular reference to plot sizes of adjacent properties.

New Dwellings: In accordance with the Local Plan the Parish Council will normally object to any new dwelling unless it is within the identified settlement of Bletchingley, or is a replacement for a dwelling to be demolished. In addition to the General Items above the Parish Council will consider:

- The size and design of the dwelling.

Other types of Application: These will generally be considered on the effect that they will have on the Parish.

3. Review of this Document

This document will be reviewed at least once during the lifetime of each Council.

INTERNAL AUDIT PROCEDURES and REVIEW OF ITS EFFECTIVENESS

Bletchingley Parish Council (the Council) is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. In discharging this overall responsibility, the Council is also responsible for ensuring that there is a sound system of internal control which facilitates the effective exercise of the Council's functions and which includes arrangements for the management of risk. The system of internal control is designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies, aims and objectives: it can therefore only provide reasonable and absolute assurance of effectiveness. The system of internal control is based on an on-going process, designed to identify and prioritise the risks to the achievement of the Council's policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically.

The Council has appointed a Chairman who is responsible for the smooth running of meetings and for ensuring that all Council decisions are lawful. The Council reviews its obligations and objectives and approves budgets for the following year at its November/December meetings and approves the level of precept for the following financial year. The Council monitors progress against objectives, financial systems and procedures, performs budgetary control and carries out regular reviews of financial matters and minutes these. The Council usually meets eleven times each year (including the annual meeting) and monitors progress against its aims and objectives at each meeting by receiving relevant reports from Members and the Clerk to the Council. The Council carries out regular reviews of its internal controls, systems and procedures.

The Council has appointed a Clerk to the Council who acts as the Council's advisor and administrator. The Clerk is the Council's Responsible Financial Officer and is responsible for administering the Council's finances. The Clerk is responsible for the day to day compliance with law and regulations that the Council is subject to and for managing risks. The Clerk also ensures that the Council's procedures, control systems and policies are adhered to.

Internal Audit Procedures

1. **Petty Cash** – to be maintained at a maximum float of £100
2. **Banking** – to be undertaken as reasonably required by the Clerk. Full details to be entered onto paying in book stub and cheque book record.
3. **Bank Accounts** – there are two accounts, current and deposit accounts – to maximise interest, transfers from the deposit account to the current account only made as required.
4. **Insurance** – cover to be reviewed by the Council, together with the Clerk on a yearly basis.
5. **Fees and Charges** – to be considered annually and any changes to be confirmed by the Council.
6. **VAT** – to be claimed back at least once each year as soon as practicable after financial year end.
7. **Invoices for Payment** – to be collected by the Clerk in a file for payment at the end of each month. Once the invoices have been checked by the Clerk as to correctness, they are then submitted each month to the Council for approval for payment with the relevant cheques. The cheques and stubs to be signed by any two authorised signatories. Procedures for authorising payments are laid down in the **Financial Regulations** and referred to in **Standing Orders 18.1 and 23**. All capital expenditure, s137 expenditure and extraordinary expenditure payments are to be recorded in the minutes.

8. **Salaries** – the Clerk is paid on the recognised NALC approved pay scale and implements rises and increments – reporting this to the Council. Payments to Inland Revenue to be paid by the 19th day of the subsequent month.
9. **Bank Reconciliation** – to be carried out monthly by the Clerk. The Cash Book and bank reconciliation to be signed monthly as to their correctness by the Clerk and the Chairman of the Council. A monthly statement to be provided to the Council at each monthly meeting.
10. **Budget Control** – the clerk to monitor budgets and point out any potential overspends and under spends against budget. The monthly statement to contain forecast figures, final figures for the previous year and actual figures to date.
11. **Expenses** – for travel and subsistence for councillors are paid according to the scale for councillors' expenses as laid down by NALC – on receipt of a detailed claim. A record of all payments to councillors to be kept in a separate column in the cash book.
12. **Separate Columns in the Cash Book** – expenditure under Section 137, record of loan repayments, Councillor expense payments and capital receipts and payments to be kept by the Clerk.
13. **Overall supervision by Councillors** – at least twice a year the Councillor responsible for Finances and the Chairman shall meet with the Clerk and examine any aspect of the accounts and accounts system of their choice and make a report as necessary to the Council.

Review of its Effectiveness

In order to meet the recommendations drawn up by the Audit Commission for Councils to check the effectiveness of the Internal Audit the following procedures will be undertaken:

1. Ensure an independent and competent auditor is appointed who is familiar with Financial Regulations and the workings of Parish Councils.
2. Approve and adopt the Internal Auditor's Audit Plan and review it annually.
3. Full Council to review the reports provided by the Internal Auditor and to address any issues/suggestions raised.
4. An internal audit to be carried out twice yearly.
5. A copy of the internal auditor's reports to be supplied with the Annual Return.
6. To publish a Statement of Assurance to accompany the Annual Financial Statements