

BERKHAMSTED TOWN COUNCIL

CODE OF CONDUCT FOR MEMBERS

Appendix 3 of Standing Orders

First Adopted by Council on 23rd July 2012
Last Adopted at Annual Meeting of Council on 18 May 2020
For adoption at Annual Meeting of Council on 04 May 2021

Part 1

General Provisions

1. Introduction and interpretation

- (1) As a member you are a representative of this authority and the public will view you as such therefore your actions impact on how the authority as a whole is viewed and your actions can have both positive and negative impacts on the authority. This Code deals with the conduct that is expected of you as a member of this authority when you are acting in that capacity.

The Code has been drawn up in accordance with Section 28 of the Localism Act 2011 (the Act). The provisions of this Code are consistent with the seven principles contained in Section 28(1) of the Act (the so-called "Nolan Principles") and these are set out in Appendix 1.

- (2) In this Code-

“meeting” means any meeting of:

- (a) the authority;
- (b) any of the authority’s committees, sub-committees, joint committees, or joint sub-committees;
- (c) any Working Group, Working Party or similar internal body;
- (d) one or more members with an officer or officers of the authority, including any briefings by officers and site visits organised by the authority; or
- (e) any other meeting (except party group meetings) where one or more members are attending in an official capacity (or might reasonably be regarded by a member of the public as attending in an official capacity);

“monitoring officer” means the monitoring officer of Dacorum Borough Council

2. Who does the Code apply to?

- (1) This Code applies to all members of Berkhamsted Town Council, including co-opted members.
- (2) It is your responsibility to comply with the provisions of this Code.

3. What does the Code apply to:

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- (1) This Code applies to your conduct when you are acting in the capacity of an elected member or co-opted member of the Council or its Committees and Sub-Committees.
- (2) You must comply with this Code whenever you-
 - (a) conduct the business of the 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 the authority,and references to your official capacity are construed accordingly.
- (3) This Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (4) 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 this Code, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4. General Obligations

- (1) You must treat others with respect.
- (2) You must not
 - (a) do anything which may cause your authority to breach any of the equality enactments;
 - (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 comprises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority.

5. Confidential Information

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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.

6. Not bringing the authority into disrepute

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

7. Conferring an advantage or disadvantage

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 authority-
 - (i) act in accordance with the authority'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.

8. Decision-making

- (1) When reaching decisions on any matter you must have regard to any relevant

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advice provided to you by-

- (a) the authority's Proper officer (the Clerk to the Council);
- (b) the authority's Responsible Financial Officer (if applicable); or
- (c) the authority's Monitoring Officer.

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

- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority.

Part 2

Members' Interests

9. Disclosable Pecuniary Interests

You have a disclosable pecuniary interest in any business of the authority if it is of a description set out in Appendix 2 and is either-

(a) an interest of yours, or

(b) an interest of-

- (i) your spouse or civil partner,
- (ii) a person with whom you are living as husband or wife, or
- (iii) a person with whom you are living as if you were civil partners,

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

10. Other Personal Interests

- (1) You have a personal interest in any business of the 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 the 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

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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) the interests of any person from whom you have received a gift or hospitality with an estimated Value of at least £25;
- (iv) the name of the person who employs or has appointed you, the name of any firm in which you are a partner, and the name of any company for which you are a remunerated director; 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 other council tax payers, ratepayers or inhabitants of the authority's area affected by the decision;

- (2) In sub-paragraph (1) (b), a relevant person is a member of your family or any person with whom you have a close association.

11. Disclosure of Personal Interests

- (1) Where you have a personal interest in any business of the authority and you attend a meeting of the authority at which the business is to be considered, you must disclose to that meeting the existence and nature of that interest before the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business which relates to or is likely to affect a body described in paragraph 10(1)(a)(i) — i.e. a body to which you have been appointed as the authority's nominee - or 10(1)(a)(ii)(aa) — i.e. a body exercising functions of a public nature of which you are a member or in a position of general control or management - you need only disclose to the meeting the existence and nature of that interest if and when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 10(1)(a)(iii) - i.e. where you have received a gift or hospitality from a person worth at least £25 - you need not disclose the nature and existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 16, sensitive information relating to it is not registered in the 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.

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12. Prejudicial Interests Generally

- (1) Subject to sub-paragraph (2), where you have a personal interest in any business of the 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.
- (2) 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 10;
 - (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 10; or
 - (c) relates to the functions of the authority in respect of -
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) 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.

13. Effect of prejudicial interests on participation

- (1) Where you have a prejudicial interest in any business of the authority under paragraph 12 which is to be considered at a meeting at which you are present-
 - (a) you must, unless paragraph 16 applies (sensitive information) disclose the existence and nature of the interest in accordance with paragraph 11(1)

and, unless the meeting is a Council meeting, you must move to the public seating area until that business has been concluded;
 - (b) you must not, unless you have obtained dispensation from the " monitoring officer, participate in any discussion or voting on the matter, except that you may still make representations, answer questions or give evidence relating to the business, provided the public are also allowed to attend the meeting for the same purpose; and
 - (c) you must not seek improperly to influence a decision about that business.

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14. Effect of Disclosable Pecuniary Interests on Participation

(1) If present at a meeting and you are aware that you have a disclosable pecuniary interest under paragraph 9 in any matter to be considered, or being considered at the meeting, you must not, unless you have obtained dispensation from the monitoring officer-

(a) participate, or participate further, in any discussion of the matter at the meeting, or

(b) participate in any vote, or further vote, taken on the matter at the meeting,

and, unless the meeting is a Council meeting, you must move to the public seating area until that business has been concluded; and

(c) you must not seek improperly to influence a decision about that business

(2) If a function of the authority may be discharged by a member acting alone and you have a disclosable pecuniary interest in any matter to be dealt with or being dealt with in the course of discharging that function you may not take any steps or any further steps in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by yourself)

Part 3

Registration of Members' Interests

15. Registration of members' interests

(1) Subject to paragraph 16, you must, within 28 days of -

(a) this Code being adopted by the authority; or

(b) your election or appointment to office (where that is later),

register in the authority's Register of Members' Interests (maintained by the monitoring officer under Section 29(1)) of the Act details of any-

(i) disclosable pecuniary interests as referred to in paragraph 9 that you may have, or your spouse, civil partner or person with whom you live as if they were your spouse or civil partner may have in so far as you are aware of their interests at that time

(ii) other personal interests that you may have where they fall within a category mentioned in paragraph 10(1)(a)

by providing written notification to the monitoring officer.

(2) Subject to paragraph 16, you must, within 28 days of becoming aware of any new disclosable pecuniary interest or other personal interest or change to any existing

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disclosable pecuniary interest or other personal interest registered under paragraph (1), register details of that new interest or change by providing written notification to the monitoring officer.

16. Sensitive information

- (1) Where you and the monitoring officer both consider that the information relating to any of your interests (whether or not a disclosable pecuniary interest) is sensitive information then copies of the register that are made available for inspection, and any published version should not include details of the interest but may state that you have an interest details of which *are* withheld under Section 32(2) of the Act and/or this paragraph.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that details excluded under paragraph (1) are no longer sensitive information, notify the monitoring officer asking that the details be included in the authority's Register of Members' Interests.
- (3) In this Code, "sensitive information" means information which if disclosed or made available for inspection by the public could lead you, or a person connected with you, to being subject to violence or intimidation.

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APPENDIX 1

THE NOLAN PRINCIPLES AND SECTION 28(1) OF THE LOCALISM ACT 2011

SELFLESSNESS

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

INTEGRITY

Members should not place themselves in situations where their 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 the Council and should be prepared to give reasons for those actions.

HONESTY

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

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.

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Appendix 2

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows -

<i>Interest</i>	<i>Prescribed description</i>
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).
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— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share

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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

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class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose —

“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 to the monitoring officer following their election or co-option for the purposes of section 30(1) of the Act;

“relevant person” means M, or

M's spouse or civil partner, or
a person with whom M is living as husband and wife, or as if they were civil partners,

“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.

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BERKHAMSTED TOWN COUNCIL REGISTER

OF MEMBERS' INTERESTS NOTICE OF

INTERESTS

!, (full name)

a Member of Berkhamsted Town Council

GIVE NOTICE that I have the following interests under the headings set out below which I am required to register under the Localism Act 2011 and under the Council's Code of Conduct

(please put "None" where you do not have an interest under a particular heading):

Disclosable Pecuniary Interests

Important note:

Under the Localism Act 2011 you must register not only your own interests under this heading, but also those of your husband or wife, civil partner, or of any person with whom you are living as husband and wife or as civil partners, if you are aware that they have such interests

1. Your employment, office, trade, profession or vocation carried on by you or a person referred to above for profit or gain.
2. Any payment or provision of any other financial benefit (other than from your Council) made or provided within the last 12 months in respect of expenses you have incurred in carrying out your duties as a member, or towards your 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.
3. Any contract for goods, services or works which is made between you, or a person referred to above (or a body in which you or they have a beneficial interest) and your Council and which has not been fully discharged.
(please give sufficient details to identify the contract)
4. Any land in the area of your Council in which you or a person referred to above has a beneficial interest including your residential address.
(please provide a description sufficient to identify the location)

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Any land in the area of your Council for which you or a person referred to above has a licence (alone or jointly with others) to occupy for a month or longer.

(please provide a description sufficient to identify the location)

6. Any tenancy where to your knowledge the landlord is your Council and the tenant is a body in which you or a person referred to above has a beneficial interest
7. The name of any body in which you or a person referred to above has a beneficial interest in securities and you are aware has a place of business or land in the area of your Council; and either-
 - (a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (b) if the share capital of that body is of more than one class, the total nominal value of the shares of any class in which you or a person referred to above has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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Other Personal Interests

You only have to register your own interests under this heading and do not need to include the interests of your husband or wife, or civil partner, or of any person with whom you are living as if husband or wife, or as civil partners.

1. The name of the person who employs or has appointed you, the name of any firm in which you are a partner, and the name of any company for which you are a remunerated director.

2. Your membership of or the fact that you are in a position of general control or management of any body :-
 - (a) to which you have been appointed or nominated by your Council;

 - (b) exercising functions of a public nature;

 - (c) directed to charitable purposes

 - (d) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

3. The name of any person from whom you have received a gift or hospitality with an estimated value of at least £25.

Signed Member

Date _____

Signed Steven Baker, Monitoring Officer

Date _____

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You must return this form to your Clerk who will send it to Dacorum Borough Council's Monitoring Officer. If you need any assistance in completing the form you can contact Mark Brookes, email: mark.brookes@dacorum.gov.uk

You must, within 28 days of becoming aware of any change to the disclosable pecuniary interests or other personal interests specified above, provide written notification to your Clerk by using the prescribed form 'Notice of Change of Interests'.

WARNING: It may be a criminal offence under section 34 of the Localism Act 2011 if, in relation to disclosable pecuniary interests, you -

- (a) omit information that ought to be given in this notice;
- (b) provide information that is materially false or misleading;
- (c) fail to notify the monitoring officer of changes to your registered disclosable interests after your re-election or reappointment, or when otherwise required under the Act; or
- (d) fail to declare at a meeting a disclosable pecuniary interest that has arisen after the date of this notice and which has not been registered or is not in the process of being registered.