



Farnham Town Council Members' Code of Conduct Adopted April 2019

On their election or co-option to Farnham Town Council Members are required to sign an undertaking to comply with the authority's Code of Conduct.

The Code of Conduct reviewed and adopted by Farnham Town Council in April 2019 is set out below. It is made under Chapter 7 of the Localism Act 2011 and includes, as Standing Orders made under Chapter 7 of that Act and Schedule 12 of the Local Government Act 1972, provisions which require Members to leave meetings in appropriate circumstances, while matters in which they have a disclosable pecuniary interest are being considered.

If you need guidance on any matter under this Code you should seek it from the Town Clerk or your own legal adviser – but it is entirely your responsibility to comply with the provisions of this Code. Please note that it is a criminal offence to fail to notify the Town Clerk of a disclosable pecuniary interest, to take part in discussions or votes at meetings, or to take a decision where you have disclosable pecuniary interest, without reasonable excuse. It is also an offence to knowingly or recklessly to provide false or misleading information to the authority's Clerk.

Introduction and Interpretation

- I. (1) This Code applies to you as a Member of **Farnham Town Council** ("the Council") when you act in your role as a Member.
- (2) You are a representative of the Council and the public will view you as such. Your actions can impact on how the Council as a whole is viewed.
- (3) **Farnham Town Council** is under a duty to promote and maintain high standards of conduct by Members. The Code is based on and is consistent with the seven "Nolan principles" of public life set out in Section 28 of the Localism Act 2011 which Farnham

Farnham Town Council endorses:

a) *Selflessness*

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

b) *Integrity*

Members should not place themselves in situations where integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour. Members should show integrity by consistently treating other people with respect, regardless of their race, age, religion, gender, sexual orientation, disability or position, for example as an officer or employee of the authority.

- c) **Objectivity**
Members should make decisions in accordance with the law and on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
 - d) **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.
 - e) **Openness**
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.
 - f) **Honesty**
Members should not place themselves in situations where their honesty may be questioned, should not behave dishonestly and should on all occasions avoid the appearance of such behaviour. Members should declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.
 - g) **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.
- (4) It is your responsibility to comply with the provisions of this Code when acting in your capacity as a Member.
 - (5) In this Code –
“Meeting” means any meeting of
 - (a) the Council;
 - (c) any of the Council’s committees, Working Groups, Task Groups, Panels, sub-committees, joint committees, joint sub-committees, area committees, Special interest Groups or other similar groups;
 “Member” includes a co-opted Member and an appointed Member.
 - (6) If you are unsure about whether or not the Code of Conduct applies to a particular situation, you should consult the Town Clerk.
 - (7) A failure of a Member to comply with this Code of Code Conduct will be dealt with in accordance with the procedures approved by Waverley Borough Council under which allegations of such failure can be investigated and decisions on such allegations made.
 - (8) Failure to take appropriate actions in respect of a Disclosable Pecuniary Interest may also result in criminal conviction and a fine of up to £5,000 and/or disqualification from office for a period of up to five years.

General Obligations

- 2. (1) **You must** always treat Member-colleagues, Officers, other organisations and members of the public with respect and comply with Farnham Town Council’s Member-Officer Working Protocol.
- (2) **You must not do** anything which may cause the Council to breach any of the equality enactments (as defined in section 33 of the Equality Act 2010).
- (3) **You must not** conduct yourself in a manner which is contrary to the Council’s duty to promote and maintain high standards of conduct by Members.
- (4) **You must not** 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 legal 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;
 - (bb) made in good faith and in compliance with the reasonable requirements of the Council; and
 - (cc) you have consulted the Town Clerk, Monitoring Officer or taken other independent legal advice prior to its release.

This particularly includes Farnham Town Council reports and working papers which are exempt, which remain confidential until released by a resolution of the Council.

- (5) **You must not** prevent another person from gaining access to information to which that person is entitled by law.
 - (6) **You 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.
 - (7) **You must not** undertake any action that could be regarded as harassment, intimidation and/or bullying of member colleagues, officers, or members of the public.
 - (8) In addition to compliance with this Member Code of Conduct, you are expected to comply with the Member/Officer Protocol.
3. When using or authorising the use by others of the resources of the Council -
- (1) **Do** act in accordance with the Council's reasonable requirements and policies;
 - (2) **Do** ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (3) **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

Gifts and Hospitality

4. (1) **Do** exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Member.
- (2) **Do not** accept significant gifts or hospitality from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage.
- (3) **Do** register with the Town Clerk any gift with an estimated value of at least £50 or hospitality of with an estimated value of at least £100 within 28 days of its receipt.

Registration of Interests

5. (1) As a Member of Farnham Town Council **you must** avoid participating in any decision where you could reasonably be seen as having an interest which compromises your honesty or objectivity. Equally, you should avoid any action which might reasonably lead others to conclude that you were not acting selflessly or with integrity. In order to assist with this and promote openness and accountability, the Monitoring Officer must, by law, establish and maintain a register of interests, open for inspection by the public at the Council's offices and publicly accessible on the Council's website.
- (2) **You must** notify the Monitoring Officer via the Town Clerk of your disclosable pecuniary interests, or other interests which the Council has decided are appropriate for registration (those listed in paragraph 5(4)). On election, you must do this within 28 days of being elected or appointed to office. Details of disclosable pecuniary interests are set out in the Annexe to this Code. You should give sufficient details of the interests for a member of the public to understand where there might be a conflict of interest.
- (3) **Do** similarly notify the Monitoring Officer via the Town Clerk of any disclosable pecuniary or other interests not already registered within 28 days of your re-election or re-appointment to office. If any of these change you should update your Register of Interests entry promptly.
- (4) **Do** be aware that disclosable pecuniary interests include not only your interests but also the interests of your spouse or civil partner, a person with whom you are living as husband or wife or a person with whom you are living as if they were a civil partner, so far as you are

- aware of the interests of that person. They also apply to any past and reasonably expected future occupational pension, office, trade, profession or vocation as well as present ones.
- (5) **Do** be aware that the Council has decided that it is appropriate for you to register and disclose non-pecuniary interests that arise from your membership of or your occupation of a position of general control or management in the following bodies -
 - a. bodies to which you have been appointed or nominated by the Council;
 - b. bodies exercising functions of a public nature;
 - c. bodies directed to charitable purposes;
 - d. bodies one of whose principal purposes include the influence of public opinion or policy.
 - (6) **Sensitive Information** Where a Member of the Council has an interest (whether or not a Disclosable Pecuniary Interest) and the nature of the interest is such that they, and the Monitoring Officer, consider that the disclosure of the details of the interest could lead to the member (or person connected to them) being subject to violence or intimidation, then:
 - a. if the interest is entered into the Register of Interests, copies of the register that are made available for inspection or published on the Council's website, must not include details of the interest (but may state that the Member has an interest the details of which are withheld under this provision of the Code).
 - b. where a disclosable pecuniary interest is not entered on the Register of Interest and would otherwise require disclosure at the meeting, the Member shall be entitled to merely disclose at the meeting the fact that they have such an interest in the matter concerned.
 - (7) **Removal of entries in the register** An entry in the Register of Interests will be removed once the person concerned no longer has the interest or is neither a councillor nor a co-opted Member of the Council.

Disclosure of Interests and Participation

6. (1) **Do** disclose to a meeting at which you are present any disclosable pecuniary interest, or other interest which the Council has decided is appropriate for disclosure (see paragraph 5(4) above) as soon as you become aware of it.
- (2) **Do** notify the Monitoring Officer via the Town clerk of any interest not already registered that is disclosed to a meeting under paragraph 6(1) above within 28 days of the disclosure.
- (3) **Do not** participate in any discussion, or vote, where you have a disclosable pecuniary interest in a matter. **Do** withdraw from the meeting during the consideration of the matter unless a dispensation has been authorised by the Town Clerk under section 33(1) of the Localism Act.
- (4) Do declare any other non-pecuniary interest(s) that you consider to have sufficient weight so as to undermine your ability to make an open-minded and objective decision. Where this is the case, **do** exclude yourself from consideration of the item by withdrawing from the chamber for the duration of it being discussed. In making a judgement about whether a non-pecuniary interest is of sufficient weight as to undermine your objectivity, you should consider what an ordinary member of the public, with knowledge of the relevant facts, would think.
- (5) Where a matter arises at a meeting which relates to an interest in Annex I, 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 Town Clerk of it.
- (6) Where a matter arises at a meeting which relates to an interest in Annex I 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 has not already been disclosed to the Town Clerk, the Member shall disclose he/she has an interest but not necessarily the nature of it.
- (7) Where a matter arises at a meeting which relates to an interest in Annex II, 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. A Member only has to declare his/her interest in Annex II if it is not already entered in his/her register of interests or he/she has not notified

the Town Clerk of it or if he/she speaks on the matter. If he/she holds an interest in Annex II which is a sensitive interest not already disclosed to the Town Clerk, he/she shall declare the interest but not necessarily the nature of the interest.

- (9) 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 I), 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. Notwithstanding the provisions of Paragraph 4, **you may** participate in any business of the Council where that business relates to the Council's functions in respect of:
 - a) Agreeing an allowance, payment or indemnity given to councillors or co-opted members; and
 - b) setting Council Tax or a precept under the Local Government Finance Act 1992.

Decision-making and Predetermination

8.
 - (1) Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life, you should not be prohibited from participating in a decision in your political role as a Member.
 - (2) However, **do not** place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
 - (3) When making a decision, **do** consider the matter with an open mind and on the facts before the meeting at which the decision is to be made, listening to the advice of relevant parties, including advice from officers, and taking all relevant information into consideration, remaining objective and making decisions on merit.

Dispensations

9.
 - (1) A councillor or co-opted member with a disclosable pecuniary interest in a matter may submit a written request to the Town Clerk for the grant to a dispensation allowing that councillor or co-opted member to participate in any discussion and/or vote on that matter at a meeting.
 - (2) The Town Clerk may, after having had regard to all relevant circumstances, grant a dispensation allowing that councillor or co-opted member only if they consider that without dispensation:
 - a. the number of persons prohibited from participating in any particular business in relation to the matter would be so great a proportion of body transacting the business as to impeded the transaction of that business, or
 - b. each member of the Council would be prohibited from participating in any particular business to be transacted by the Council in relation to the matter
 - c. the representation of different political groups on the body transacting the particular business would be so upset as to alter the likely outcome of any vote relating to that business, or
 - d. granting the dispensation is in the interest of persons living in the town, or
 - e. it is otherwise appropriate to grant the dispensation.
 - (3) Any dispensation granted must specify the period for which it has effect, and the period specified may not exceed four years.

Date of Adoption

This Code of Conduct was reviewed and adopted by Council in April 2019.

Review Date – 2021

DISCLOSABLE PECUNIARY INTERESTS

1. Employment, office, trade, profession or vocation

Any employment, occupational pension, 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.

2. Sponsorship

Any payment or provision of any other financial benefit (other than from the Council) made or provided within the period of 12 months ending with the day on which you give a notification for the purposes of section 30(1) or section 31(7) of the Localism Act 2011 in respect of any expenses 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. Contracts

Any contract made between you (or a body in which you have a beneficial interest) 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

4. Land

Any beneficial interest in land held 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 partner which is within the area of the Council. This includes your home if you own it.

5. Licences or Tenancies

Any licence (alone or jointly with others) held 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 to occupy land in the area of the Council for a month or longer.

6. 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.

7. Securities

Any beneficial interest held 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 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.

OTHER 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 worth more than an estimated value of at least £50 or hospitality with an estimated value of at least £100 which the Member has received by virtue of his or her office.