

## **St Mellion Parish Council**

### **Replacement of Standing Order 13 (Code of Conduct and dispensations) and 14 (Code of Conduct complaints) with combined and revised Standing Order 13 (Code of Conduct, complaints and dispensations) As per CALC's Model Standing Order 13 dated 26.1.17**

**ADOPTED: 14.3.17**

#### **13. Code of Conduct, complaints and dispensations**

##### **General**

- a. The Parish Council has adopted the Cornwall Code of Conduct for City, Community, Parish and Town Councils which will apply to all Parish Councillors ('Councillors') and members of the public co-opted to serve on committees and sub-committees of the Parish Council in respect of the entire meeting.

All interests arising from the Parish Council's Code of Conduct ('Code of Conduct') will be recorded in the meeting minutes giving the existence and nature of the interest.

- b. Councillors must have particular regard to their obligation to record and leave the room for certain matters in which they have an interest as defined by the Code of Conduct or by relevant legislation.
- c. The Parish Council shall maintain for public inspection a register of Councillors' interests that is compliant with the Code of Conduct and with relevant legislation.

##### **Councillors and the Code of Conduct**

- d. All Councillors and members of the public co-opted to serve on Parish Council committees and sub-committees shall observe the Code of Conduct.
- e. All Councillors and members of the public co-opted to serve on Parish Council committees and sub-committees shall maintain a register of disclosable pecuniary interests, and must update their register by notifying the Monitoring Officer and the Clerk of any changes within 28 days.
- f. All Councillors shall undertake training in the Code of Conduct within six months of the delivery of their declaration of acceptance of office.
- g. Unless granted a dispensation, a Councillor or non-Councillor with voting rights who has registered a disclosable pecuniary interest in relation to any item of business being transacted at a meeting shall leave the room whenever the item is being discussed, including any part of the meeting where the public are entitled to speak.
- h. Unless granted a dispensation, a Councillor or non-Councillor with voting rights who has registered a non-registrable interest in relation to any item of business being transacted at a meeting shall leave the room whenever the item is being discussed, including any part of the meeting where the public are entitled to speak.
- i. Where a non-registrable interest arises from membership of an outside body as defined in 3.5a of the Code of Conduct, a Councillor may remain in the room to address the meeting, provide a short statement, and answer questions for no more than three (3) minutes before leaving the room at the request of the Chair.
- j. As per clause 2.6 of the Code of Conduct, Councillors must not accept any gifts or hospitality that they are offered or receive in connection with their official duties as a member that could be seen by the public as likely to influence their judgement in these matters. There is no requirement to register or declare any gifts or hospitality which have been offered or received.
- k. For the purposes of their duty as a member of the Parish Council, but not otherwise, a Councillor may inspect any document which has been considered by the Parish Council or a committee. The Proper Officer or solicitor to the Parish Council may decline to allow inspection of any document which either is protected by other legislation or, in the event of legal proceed-

ings, would be protected by privilege arising from the relationship of solicitor and client. All minutes kept for any committee shall be open for the inspection of any Councillor upon arrangement with the Clerk.

### **Allegations of breaches of the Code of Conduct**

- l. Notification of any complaint shall remain confidential to the Proper Officer of the Parish Council until such time as the matter has been concluded, after which, the outcome of the complaint shall be reported to a meeting of the full Parish Council.
- m. Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in this Standing Order, who shall continue to act in respect of that matter until the complaint is resolved.
- n. Where a notification relates to a complaint made by an employee (not being the Proper Officer), the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.
- o. The Parish Council may:
  - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint, or is required by law;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigating the matter.
- p. References to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the Code of Conduct by a Councillor.
- q. Upon the Monitoring Officer notifying the Unitary Council that a Councillor or non-Councillor with voting rights has breached the Code of Conduct, the Parish Council shall consider any recommendations of the Monitoring Officer and what, if any, action to take against him/her in accordance with the recommendations. The Parish Council has no ability to impose its own sanctions against Councillors found in breach of the Code of Conduct.

**Such action excludes disqualification or suspension from office but may include removal from one or more committees of the Parish Council or restricted access to Parish Council premises except to attend meetings.**

### **Dispensations**

- r. The Parish Council has adopted a policy for issuing dispensations which is in accordance with the Code of Conduct. It is attached to these Standing Orders as an appendix.
- s. This policy shall apply to all meetings of the Parish Council, its committees and sub-committees.
- t. No dispensation will be awarded for any meeting where there are no minutes of the proceedings.

### **Appendix: Policy for Issuing Dispensations**

*(taken from existing Standing Order 13. Code of Conduct and dispensations)*

- d. **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e. A decision as to whether to grant a dispensation shall be made by a meeting of the Parish Council, or committee or sub-committee for which the dispensation is required and that decision is final.
- f. A dispensation request shall confirm:
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii. whether the dispensation is required to allow a Councillor's or non-Councillor's participa-

- tion in a discussion only, or a discussion and a vote;
- iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
- iv. an explanation as to why the dispensation is sought.

Subject to Standing Orders 13(d) and (f), dispensation requests shall be considered at the beginning of the meeting of the Parish Council, or committee or a sub-committee for which the dispensation is required.

g. A dispensation may be granted in accordance with Standing Order 13(e) if, having regard to all relevant circumstances, the following applies:

- i. without the dispensation, the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business; or
- ii. granting the dispensation is in the interests of persons living in the Parish Council's area; or
- iii. it is otherwise appropriate to grant a dispensation.

**St Mellion Parish Council  
Dispensation Request Form**

<b>Name</b>	
<b>Business for which dispensation is required (enter agenda item number, where relevant)</b>	
<b>Details of interest in the business</b>	
<b>Date of meeting or time period (up to four years) for which dispensation is requested</b>	
<b>Dispensation requested to participate (or participate further) in any discussion of that business</b>	
<b>Dispensation requested to participate in any vote (or further vote) on that business</b>	
<b>REASONS FOR DISPENSATION</b>	
<b>33 (a) Without the dispensation the number of persons unable to participate in the transaction of business would be so great as to impede the transaction of the business.</b>	
<b>33 (b) Without the dispensation the representation of different political groups would be affected so as to alter the likely outcome of any vote.</b>	
<b>33 (c) The dispensation is in the interests of persons living in the authority's area.</b>	
<b>33 (e) It is otherwise appropriate to grant a dispensation (give reason).</b>	

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_

<b>DECISION</b>	
<b>Dispensation given: YES / NO</b>	<b>Length of dispensation:</b>
<b>Date:</b>	<b>Minute no.:</b>
<b>Signed:</b>	<b>Position: Clerk to the Parish Council</b>