

Stratton on the Fosse Parish Council

Code of Conduct for Members

As adopted at the Meeting held on 17th September 2012

This Code is based on the Models supplied by
the Monitoring Officers of the Somerset District Councils,
Somerset County Council,
the Somerset Association of Local Councils(SALC)
and the National Association of Local Councils (NALC)

Text in Bold is required by statute.

Some further guidance may be found in the Standing Orders adopted by the Council.

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Introduction and Interpretation

As a member and representative of this Council it is your responsibility to comply with this Code when you undertake or claim to be undertaking Council business or give the impression that you are undertaking Council business.

As a representative of this Council your actions impact on how the Council as a whole is viewed by the public. It is important, therefore, that you don't do anything when undertaking Council business which you could not justify to the public. It is not enough to avoid actual impropriety, you should at all times avoid any occasion for suspicion or appearance of improper conduct.

This Code is based upon the seven principles of public life which are set out at Appendix 1. You shall have regard to those principles when fulfilling your role.

An explanation of the terms used in this Code can be found in Appendix 2.

1 General Obligations

Whilst undertaking Council business you must:

- 1.1. treat others with respect;
- 1.2. not use or attempt to use your position as a member improperly to give yourself or any other person, an advantage or disadvantage;
- 1.3. when reaching decisions on any matter, consider any relevant advice provided to you by the Council's Monitoring Officer, or the Proper Officer, the Clerk to the Council, in accordance with his or her statutory duties;
- 1.4. give reasons for decisions in accordance with any statutory requirements;
- 1.5. act in accordance with the Council's policies.
- 1.6. not use Council's resources improperly
- 1.7. avoid doing anything which may cause the Council to breach a statutory duty or any of the equality enactments (as defined in section 149 of the Equality Act 2010);
- 1.8. not act in a way which a reasonable person would regard as bullying or intimidatory.
- 1.9. avoid doing anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council;
- 1.10. 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—
 - a. you have the consent of a person authorised to give it;
 - b. you are required by law to do so;
 - c. 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;
- 1.11. not prevent another person from gaining access to information to which that person is entitled by law;
and
- 1.12. not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.

2. Registration of interests

- 2.1 Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register all interests which fall within the categories set out in Appendices 3 and 4.
- 2.2 Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register any interests in Appendices 3 (Disclosable Pecuniary Interests) and 4 (Other Interests).
- 2.3 A member shall register any change to interests or new interests in Appendix 3 within 28 days of becoming aware of it.
- 2.4 A member need only declare on the public register of interests the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

3. Declaration of interests

- 3.1 **Where a matter arises at a meeting which relates to an interest in Appendix 3 (Disclosable Pecuniary Interest) 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 Monitoring Officer of it.
- 3.2 **Where a matter arises at a meeting which relates to an interest in Appendix 3 (Disclosable Pecuniary Interest) 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 Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.**
- 3.3 Where a matter arises at a meeting which relates to an interest in Appendix 4 (Other Interests), the member shall withdraw from the meeting. He/she may speak on the matter before withdrawing only if members of the public are also allowed to speak at the meeting.
- 3.4 A member only has to declare his/her interest in Appendix 4 (Other Interests) if it is not already entered in his/her Register of Interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter before withdrawing. If he/she holds an interest in Appendix 4 which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.
- 3.5 Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate, the member shall disclose the nature of the interest and withdraw from the meeting. He/she may speak on the matter before withdrawing 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.

4. Dispensations

On a written request made to the Council's Proper Officer, the Clerk may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he/she has an interest in Appendices A (disclosable pecuniary interest) and B (other interests) if the Clerk believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.

5. Offences

It is a criminal offence to

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

6. Pre-determination or Bias

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 may participate in a decision on the issue in your political role as a member. However, you must 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.
2. When making a decision, consider the matter with an open mind and on the facts made available to the meeting at which the decision is to be taken.

The Seven Principles of Public Life

Selflessness

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

Code Of Conduct - Interpretation

In the Council's Code of Conduct the following words shall have the following meanings ascribed to them—

- “the Act” means the Localism Act 2011;
- “disclosable pecuniary interest” is as defined in Appendix 3
- “meeting” means any meeting of—
 - a. the Council;
 - b. any of the Council's committees whether or not the press and public are excluded from the meeting in question by a resolution of members
- “member” includes a co-opted member.
- “sensitive information” means information relating to a member's interests that the Monitoring Officer has determined need not be included in the member's registration of an interest or any change to that interest, by virtue of the fact that its availability for inspection by the public is likely to create a serious risk that any person may be subjected to violence or intimidation
- “bullying” means offensive, intimidating, malicious, insulting or humiliating behaviour based on abuse or misuse of power
- “disrepute” means a lack of good reputation or respectability which can be reasonably regarded as reducing the public's confidence in that member being able to fulfil their role or adversely affecting the reputation of members generally in being able to fulfil their role
- “relevant person” in relation to personal and personal and prejudicial interests means
 - 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-
 - i. 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 Council;
 - ii. exercising functions of a public nature;
 - iii. established for charitable purposes; or
 - iv. 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
- “well-being” means a condition of contentedness, healthiness and happiness. Anything that could be said to affect a person's quality of life, either positively or negatively, is likely to affect their well-being. It is not restricted to matters affecting a person's financial position.
- “close association” means someone that you are in regular contact with over a period of time who is more than an acquaintance or colleague. It may be a friend, a business associate or someone you know through general social contacts. It is someone who a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects them.
- “member of your family” means partner, i.e. someone you are married to, your civil partner, or someone you live with in a similar capacity, a parent, a parent-in-law, a son or daughter, a stepson or stepdaughter, the child of a partner, a brother or sister, a brother or sister of your partner, a grandparent, a grandchild, an uncle or aunt, a nephew or niece, and the partners of any of these people.

Disclosable Pecuniary Interests

This note explains the requirements of the Localism Act 2011 (Ss 29-34) in relation to disclosable pecuniary interests.

These provisions are enforced by criminal sanction.

They come into force on 1 July.

1. Notification of disclosable pecuniary interests

Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any ‘disclosable pecuniary interests’.

A ‘disclosable pecuniary interest’ is an interest of yourself or your partner (which means 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 you are civil partners) within the following descriptions:

<i>Interest</i>	<i>1.1 Description</i>
Employment, office, trade, profession or vocation	An 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 Council) 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.
Contract	Any contract which is made between the relevant person (or a body in which the relevant person has 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.
Land	Any beneficial interest in land which is within the area of the Council.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.

Corporate Tenancies	Any tenancy where (to M's knowledge) – <ul style="list-style-type: none"> (a) the landlord is the Council; and (b) the tenant is body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where <ul style="list-style-type: none"> (a) that body (to M/s knowledge) has a place of business or land in the area of the Council; and (b) either – <ul style="list-style-type: none"> (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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on interests are subject to the following definitions;

- “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” includes 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 the person M referred to in section 30 of the Act;
- “member” includes a co-opted member;
- “relevant authority” means the Council of which M is a member;
- “relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Act;
- “relevant person” in relation to disclosable pecuniary interests means M or M's spouse or civil partner or a person with whom M is living as husband and wife or a person with whom M is living 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.

[Unless they are interests prescribed by regulation for inclusion in Appendix 3] any 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)
 - d. of which the member of the Council is a member or in a position of general control or management;
- iii. any employment or business carried on by the member;
- iv. any person or body who employs or has appointed the member;
- v. any person or body, other than the Council, who has made a payment to the member in respect of his/her election or any expenses incurred by him/her in carrying out his/her duties;
- vi. any person or body who has a place of business or land in the Council's area, and in whom the member has 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 the member's Council and the member or a firm in which he/she is a partner, a company of which he /she is a remunerated director, or a person or body of the description specified in paragraph (vi);
- viii. any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.
- ix. any land in the Council's area in which the member has a beneficial interest;
- x. any land where the landlord is the Council and the member is, or a firm in which the member is a partner, a company of which the member is a remunerated director, or a person or body of the description specified in paragraph (vi), is the tenant;
- xi. any land in the Council's area for which the member has a licence (alone or jointly with others) to occupy for 28 days or longer.