



# Code of Conduct

You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

## **Registering and declaring pecuniary and non-pecuniary interests.**

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 - see appendix (p28 of Standing Orders) for further details.

You must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.

If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a '**sensitive interest**'.<sup>1</sup>

Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your authority. **Members are required to leave the meeting in any matter in which they have declared a pecuniary interest while it is under debate by the Council.**

<sup>1</sup> A '*sensitive interest*' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

=====



# Code of Conduct - Guidance

---

## 1. General

As a member or co-opted member of Winscombe & Sandford Parish Council you have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all residents of and visitors to the town.

## 2. Principles

In accordance with the Localism Act provisions, when acting in this capacity you must be committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this Council.

**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.

## 3. Registration and Declaration of Interests

The Act further provides for registration and disclosure of interests and in Winscombe & Sandford Parish Council this will be done as follows.

- 3.1 You must, within 28 days of taking office as a member or co-opted member, notify the Monitoring Officer of any disclosable pecuniary interest as defined by regulations

- or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.
- 3.2 In addition, you must, within 28 days of taking office as a member or co-opted member, notify the Monitoring Officer of any disclosable pecuniary or non-pecuniary interest which your Council has decided should be included in the register.
  - 3.3 If an interest has not been entered onto the Council's register, then you must disclose the interest to any meeting of the Council at which you are present, where you have a disclosable interest in any matter being considered and where the matter is not a '**sensitive interest**'<sup>2</sup> as defined in the Localism Act.1
  - 3.4 Following any disclosure of an interest not on the Council's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
  - 3.5 Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions the Parish Council places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by the Council.
  - 3.6 Those members who may have expressed a preferred outcome of a planning application may vote and speak at the planning meeting if, under verbal or written challenge, they consider they could state they had an open mind to all relevant Council discussions and public views expressed at the planning meeting before voting on the item occurred. Members are not required to disclose any previous view on the matter under Declaration of interests. The Code of Conduct legislation adopted by this Council continues to require any member with a pecuniary interest in a planning matter to declare that interest.

Note- Where an appeal against a participating Councillor(s) is upheld on the grounds the member did not have an "open mind" while the Council and public were in debate and at the time voting took place, the Council's decision may be determined as unsustainable.

#### **4. Conduct**

As a Member of Winscombe & Sandford Parish Council your conduct must address the statutory principles in particular as follows.

- 4.1 Championing the needs of residents, the whole community and in a special way the constituents, including those who did not vote for you - and putting their interests first.
- 4.2 Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- 4.3 Not allowing other pressures, including the financial interests of yourself or others connected to you, to deter you from pursuing constituents' casework, the interests of Winscombe & Sandford Parish Council or the good governance of the Council in a proper manner.
- 4.4 Exercising independent judgement and not compromising your position by placing yourself under obligations to outside individuals or organisations who might seek to influence the way you perform your duties as a member of this Council.
- 4.5 Considering the interests of all parties, including relevant advice from officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- 4.6 Being accountable for your decisions and co-operating when scrutinised internally and externally, including by local residents.
- 4.7 Contributing to making this Council's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding you and other members to account but restricting access to information when the wider public interest or the law requires it.

~~with the member or co-opted member, being subject to violence or intimidation.~~

~~with the member or co-opted member, being subject to violence or intimidation.~~

=====

## Disclosable Pecuniary Interest

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 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.

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 for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

"relevant person" means M or any other person referred to in section 30(3)(b) of the Act;

"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.

=====



## **Code of Conduct & Declaration of Interests**

### **A brief guide to what Councillors must do**

Our code of conduct was drawn up to comply with the seven principles prescribed in the Nolan report to Government. These principles are a legislative requirement set out in 2011 Localism Act. This legislation scrapped the previous code and allowed Parish and Town Councils to set their own codes for compliance.

Under the Code, members **must** disclose specific pecuniary interests and detail these on a statement provided to the Clerk and North Somerset Councils Monitoring Officer within 28 days of election/disclosure. Forms are available from the Clerk.

Any pecuniary interests which arise subsequently must be reported before any relevant item has been subject to Council discussion and decision.

Members must leave the meeting when an item arises in which they have a pecuniary interest (which should be declared under the agenda item "declarations of interest"). The member can return to the meeting once the Council has dealt with the relevant item.

Members must disclose an item of non pecuniary interest where a relevant item is listed in that meetings business.

Where, because of that interest, the member is satisfied that he or she should not participate in discussion or decision on the relevant item, the member should withdraw.

Where the member declares an interest and is uncertain whether it is of insufficient importance to allow that member to speak and vote, the Clerk will consider the relevant details and determine whether a dispensation is appropriate. If the dispensation is given, the details including the reason or reasons will be minuted and the member may participate in any discussion and vote on the item.

If a dispensation is refused the member should withdraw.

However, if the clerks decision to provide a dispensation or not is not supported by members, the Council will vote on the matter with the proposal, proponent, seconder and vote minuted.

Dependant on the Council's decision the member may either participate or withdraw.

The Council policy has been drawn up to protect both the public and individual members. Under the policy a member cannot take a decision to participate and vote where he or she has an interest, only the Clerk in providing a dispensation or the Councils subsequent decision can allow participation. As such the member is protected from any complaint under the code of conduct since it will not have been their decision which allowed participation.

...the fact that the board of directors of the corporation has been advised by the Clerk of the Council that the Council has decided to grant a dispensation to the member in question...

...the fact that the board of directors of the corporation has been advised by the Clerk of the Council that the Council has decided to grant a dispensation to the member in question...

...the fact that the board of directors of the corporation has been advised by the Clerk of the Council that the Council has decided to grant a dispensation to the member in question...

...the fact that the board of directors of the corporation has been advised by the Clerk of the Council that the Council has decided to grant a dispensation to the member in question...

...the fact that the board of directors of the corporation has been advised by the Clerk of the Council that the Council has decided to grant a dispensation to the member in question...

...the fact that the board of directors of the corporation has been advised by the Clerk of the Council that the Council has decided to grant a dispensation to the member in question...

...the fact that the board of directors of the corporation has been advised by the Clerk of the Council that the Council has decided to grant a dispensation to the member in question...

...the fact that the board of directors of the corporation has been advised by the Clerk of the Council that the Council has decided to grant a dispensation to the member in question...

...the fact that the board of directors of the corporation has been advised by the Clerk of the Council that the Council has decided to grant a dispensation to the member in question...

...the fact that the board of directors of the corporation has been advised by the Clerk of the Council that the Council has decided to grant a dispensation to the member in question...