

CASTLE CARY TOWN COUNCIL

MEMBERS' CODE OF CONDUCT

As adopted at the Council Meeting held on 21 May 2018

This Code is based on the model supplied by the National Association of Local Councils and the Somerset Association of Local Councils, supplemented by guidance from the Monitoring Officers of the Somerset District Councils and Somerset County Council

Text in Bold is required by statute.

This Code of Conduct should be read in conjunction with the Standing Orders adopted by the Council.

Clerk to the Town Council
The Market House,
Market Place,
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Castle Cary Town Council: Code of Conduct

1. Introduction

Pursuant to section 27 of the Localism Act 2011, Castle Cary Town Council ('the Council') has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed or when they claim to act or give the impression of acting as a representative of the Council.

This Code of Conduct is based upon the seven principles of public life – selflessness, integrity, objectivity, accountability, openness, honesty, and leadership – set out in Appendix C. All members of the Council shall have regard to those principles when fulfilling their roles.

2. Definitions

For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee. For the purposes of this Code, and unless otherwise expressed, any reference to a member of the Council includes a co-opted member of the Council.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

3. Member Obligations

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations:

- He/she shall behave in such a way that a reasonable person would regard as respectful.
- He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
- He/she shall consider relevant advice given by the Town Clerk or SSDC Monitoring Officer.
- He/she shall not seek to improperly confer an advantage or disadvantage on any person.
- He/she shall use the resources of the Council only in accordance with its requirements and policies.
- He/she shall not disclose information which is confidential or where disclosure is prohibited by law.
- He/she shall not act in a way which could reasonably be regarded as bringing the Council into disrepute.

4. Registration of Interests

Within 28 days of this Code being adopted by the Council, or the member's election (or re-election) or the co-opted member's appointment (or re-appointment) (where that is later), he/she shall register all disclosable pecuniary interests relating to his/her public duties, including those of the member's spouse or civil partner, as set out in Appendix A, and all personal interests, as set out in Appendix B.

A member shall register any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.

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.

Interests should be declared on the relevant form and submitted to the Town Clerk.

5. Declaration of Pecuniary Interests

Where a matter arises at a meeting which relates to an interest in Appendix A (disclosable pecuniary interest) the member shall not participate in a discussion or vote on the matter. He/she has to declare what his/her interest is only 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.

Where a matter arises at a meeting which relates to an interest in Appendix A (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 need not declare the nature of it.

Unless dispensation has been granted (see below), **the member may not participate in any discussion of, vote on, or discharge any function related to any matter in which he/she has a disclosable pecuniary interest.** The member should withdraw from the meeting room as soon as the business is discussed.

Following any disclosure at a meeting or as part of a decision record, of a disclosable pecuniary interest not on the Council’s register or the subject of pending notification, the member must notify the Town Clerk of the interest within 28 days beginning with the date of the disclosure at the meeting or in the decision record in order for the interest to be included in the register.

6. Declaration of Personal Interests

Where a matter arises at a meeting which relates to an interest in Appendix B (other interests), the member must disclose to that meeting the existence and nature of that interest at the start of the consideration of that business, or when the interest becomes apparent to him/her.

Following any disclosure at a meeting or as part of a decision record, of a personal interest not on the Council’s register or the subject of pending notification, the member must notify the Town Clerk of the interest within 28 days beginning with the date of the disclosure at the meeting or in the decision record in order for the interest to be included in the register.

If the member holds an interest in Appendix B 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.

The member is permitted to participate fully in any discussion of or vote on the matter in which he/she has a personal interest, provided that this interest is not considered prejudicial (see below).

7. Declaration of Prejudicial Interests

Where a member has a prejudicial interest in a matter (see Appendix B), unless dispensation has been granted (see below), he/she may not participate in any discussion of, vote on, or discharge any function related to this matter. If the interest is not already registered, it should be disclosed at the meeting.

Where a member has a prejudicial interest in a matter, he/she may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose. The member shall leave the meeting room immediately after making representations, answering questions or giving evidence.

Otherwise, the member should withdraw from the meeting room as soon as the matter is discussed.

8. Dispensations

On a written request made to the Town Clerk, the Council 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 Council 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.

9. Bias and Predetermination

Where a member has been involved in campaigning on an issue which does not impact on his/her personal and/or professional life, he/she may participate in a decision on the issue in as a member of the Council. However, members must 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.

When making a decision, members should consider the matter with an open mind and on the facts made available to the meeting at which the decision is to be taken.

Appendix A – 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 came into force on 1 July 2012.]

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>	Description
Employment, office, trade, profession or vocation	An employment, office trade profession or vocation carried on for profit or gain.
Sponsorship	<p>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.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contract	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Council –</p> <p>(a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.</p>
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	<p>Any tenancy where (to M’s knowledge) –</p> <p>(a) the landlord is the Council; and (b) the tenant is body in which the relevant person has a beneficial interest.</p>

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 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 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.

Appendix B – Other Interests

Personal Interests

You have a personal interest in any business of the Council where

(a) the matter 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 Council;

(ii) any body

(aa) exercising functions of a public nature;

(bb) established for charitable purposes; or

(cc) 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;

(b) a decision in relation to any business of the Council 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 affected by the decision.

Prejudicial Interests

Where you have a personal interest in any business of your Council, 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, and where that business

(a) affects your financial position or the financial position of a relevant person or body;

(b) relates to determining any approval, consent, licence, permission or registration in relation to you or any relevant person or body.

Appendix C: 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.