

**HINTON ST GEORGE  
PARISH COUNCIL  
MEMBERS' CODE OF CONDUCT**

*(NALC Based)*

Adopted - 11/1/2013

Pursuant to Section 27 of the Localism Act 2011

**Part 1**

**General Provisions**

**Introduction and Interpretation**

**1.** This Code applies to **you** as a member or as a **co-opted member** of the Hinton St. George Parish Council.

- a. You should read this Code together with the Seven Principles of Public Life [also known as the Nolan Principles] which are set out in Appendix 1.
- b. It is your responsibility to comply with the provisions of this Code.
- c. In this Code-
  - (1) "meeting" means any meeting of:
    - (a) the authority;
    - (b) any of the authority's, sub-committees, joint committees, joint sub-committees, or area committees;
    - (c) the executive (Cabinet) of the authority or it's committees.
  - (2) "Monitoring Officer" means the Monitoring Officer for the principal Council which is South Somerset District Council

**Scope**

**2.** This Code applies to **you** as a member of the Hinton St. George Parish Council.

- a. when you act in your role as a Member:
- b. where you act as a representative of Hinton St. George Parish Council:
  - (1) on another relevant authority, you must, when acting for that authority, comply with that other authority's code of conduct: or
  - (2) on any other body, you must, when acting for that other body, comply with the authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

## **General Obligations**

3. a. You must treat others with respect.
  - b. You must not:
    - (1) do anything which may cause your authority to breach any of the equality enactments:
    - (2) bully any person:
    - (3) intimidate or attempt to intimidate any person who is, or is likely to be;
      - (a) a complainant,
      - (b) a witness, or
      - (c) involved in administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with the authority's Code of Conduct.
    - (d) do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the authority.
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4. You must not:
  - a. disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably be aware, is of confidential nature, except where:
    - (1) you have consent of a person authorised to give it;
    - (2) you are required by law to do so;
    - (3) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to discuss the information to any other person; or
    - (4) the disclosure is;
      - (a) reasonable and in the public interest; and
      - (b) made in good faith and in compliance with the reasonable requirements of the authority; or
  - b. prevent another person from gaining access to information to which that person is entitled by law.
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5. you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You:
- a. 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; and
  - b. must, when using or authorising the use by others of the resources of, or under the control of, the authority;
    - (1) act in accordance with your authority's reasonable requirements;
    - (2) ensure that such resources are not used improperly for political purposes (including party political purposes); and
  - c. must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
7. You must:
- a. when reaching decisions on any matter, have regard to any relevant advice provided to you by the authority's officers, and in particular by the authority's Monitoring Officer and Section 151 Officer; and
  - b. give reasons for all decisions in accordance with any statutory requirements, and any reasonable additional requirements imposed by the authority.
8. 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.

## Part 2

### Interests

#### **Disclosable Pecuniary Interests ("DPI")**

- 9.
- a. Breaches of the rules relating to Disclosable Pecuniary Interests may lead to criminal sanctions being imposed.
  - b. You will have a Disclosable Pecuniary Interest (DPI) under this code if:
    - (1) such interest meets the definition prescribed in regulations made by the Secretary of State, and set out in Appendix 2 to this Code; and
    - (2) it is either an interest of yourself; or it is an interest of:
      - (a) your spouse or civil partner; or
      - (b) a person with whom you are living as husband and wife; or
      - (c) a person with whom you are living as if you were civil partners; and you are aware that the other person has the interest.

## **Non-Statutory Interests**

### **10.**

- a. You will have a Non-statutory Interest in any matter if you or a member of your family or person or organisation with whom you are associated, have a close connection with the matter under discussion.
- b. If you are a member of another local authority, or public body, or you have been appointed as the council's representative on an outside body, you do not have a non-pecuniary interest unless a member of the public, knowing the circumstances would reasonably regard membership of the body concerned, as being likely to prejudice your judgement of what is in the public interest.

## **Registration of Disclosable Pecuniary Interests**

### **11.**

- a. You must, within 28 days of:
  - (1) this Code being adopted or applied by the authority; or
  - (2) your election or appointment (where this is later)notify the Monitoring Officer in writing of any DPI interests you have at the time.
- b. You must, within 28 days of becoming aware of any new DPI, or changes to existing DPIs, notify the Monitoring Officer in writing.

## **Disclosable Pecuniary Interests in Matters Considered at Meetings**

### **12.**

- a. DPIs
  - (1) If you are present at a meeting of the Parish Council Committee, and you have a DPI, then you must;
    - (a) disclose the nature and existence of the interest; and
    - (b) leave the meeting and take no part in the discussion, apart from making representations, giving evidence or answering questions, prior to the commencement of the debate on that matter; and
    - (c) if the interest has not already been recorded, notify the Monitoring Officer of the interest within 28 days, beginning with the date of the meeting.
  - (2) If you have a DPI, you must not participate in informal meetings/briefings and site visits, and must disclose the DPI in any correspondence with the Council.
- b. Dispensations

The only exception to not participating, but taking part in the discussion and voting regarding a matter in which you have a DPI, is by having been granted a dispensation by the Monitoring Officer, or his delegated officer, the Hinton St. George Parish Clerk, in accordance with Section 33 of the Localism Act

2011.

c. Other Pecuniary Interests & Non-Statutory Interests

- (1) If you are present at a meeting of the council and you have other Pecuniary Interest or a Non-statutory interest, then you must:
  - (a) disclose the nature and existence of the interest; and
  - (b) if the interest is one which a member of the public knowing the circumstances would reasonably regard as being likely to prejudice your judgement of what is in the public interest, leave the meeting and take no part in the discussion.

**Sensitive Interests**

13. Where you consider (and the Monitoring Officer agrees) that the nature of a Disclosable Pecuniary or Non-Statutory Interest is such that disclosure of the details of the interest, could lead to you or a person connected with you, being subject to intimidation or violence, it is a “sensitive interest” for the purposes of the Code, and the details of the sensitive interest do not need to be disclosed to a meeting, although the fact that you have a sensitive interest, must be disclosed.

**Gifts and Hospitality**

14.

- a. You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a member from any person or body, other than the authority.
- b. The Monitoring Officer will place your notification on a public register of gifts and hospitality.

## **Appendix 1**

### **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.

## Appendix 2

### Disclosable Pecuniary Interests

<b><i>Interest</i></b>	<b><i>Prescribed description</i></b>
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;

- (i) M’s spouse or civil partner,
- (ii) A person with whom M is living as husband and wife, or
- (iii) A person with whom M is living as if they were civil partners,  
And M is aware that the other person has the interest.

“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.