
L I T T L E S O M E R F O R D P A R I S H C O U N C I L

Code of Conduct 2022

The Statutory Provisions

The statutory provisions of The Localism Act 2011 sections 26 to 37 and Schedule 4 make arrangements for regulating the conduct of members of councils in England.

- The duty to promote and maintain high standards of conduct (s 27)
- The requirement for every relevant authority (including parish councils) to adopt a code of conduct and the arrangements for investigating alleged failure to comply with the code (s 27, s 28)
- The registration and disclosure of interests (ss 29 – 33)
- Offences (s 34)

Scope of this Code

This Code applies to all members of the Parish Council, be they elected or co-opted, and to its employees.

Obligation laid upon Councillors

All Councillors must have regard to the seven Nolan principles of

- selflessness
- integrity
- objectivity
- accountability
- openness
- honesty
- leadership.

They must promote and support high standards of conduct when serving in their public post so, when acting in their capacity as a member or co-opted member,

1. They 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 themselves, their family, a friend or close associate.
2. They must not place themselves under a financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of official duties.
3. When carrying out public duties they must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

4. They are accountable for their decisions to the public and must co-operate fully with whatever scrutiny is appropriate to the office.
5. They must be as open as possible about their decisions and actions and the decisions and actions of the Parish Council, and should be prepared to give reasons for those decisions and actions.
6. They must declare any private interests, both pecuniary and non-pecuniary, that relate to their public duties, and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming to the procedures set out below.
7. They must, when using or authorising the use by others of the resources of the Parish Council, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

Register of Interests

The monitoring officer of the Parish Council's principal authority, Wiltshire County Council (WCC), is responsible for establishing and maintaining a register of interests of the Parish Council's members. It must make a copy of this register available for inspection at a place in the principal authority's area at all reasonable times and publish it on its website, and the Register must either be published on or be accessible from the Parish Council's website.

Disclosure of Interests

Before the end of 28 days of becoming a member, the member must notify WCC's monitoring officer of any disclosable pecuniary interests which he or she has at the time the notification is given, unless the person has been re-elected or re-appointed and such interests are already registered.

A pecuniary interest will be a "disclosable pecuniary interest" if:

- it is of a description specified in regulations (see Appendix A) and
- it is an interest of:

EITHER

- the member;

OR

- the member's spouse or civil partner; or
- a person with whom the member is living as husband and wife; or
- a person with whom the member is living as if they were civil partners;

and the member is aware or should have been aware that that other person has the interest.

If, during a meeting, a member becomes aware that he or she has a disclosable pecuniary interest in any matter to be considered or being considered at the meeting and that interest is not in the register, he or she must disclose that interest to the meeting (or, in the case of a sensitive interest, disclose the fact of there being a disclosable pecuniary interest, but not details of the interest itself).

The member must also notify the monitoring officer of the interest before the end of twenty eight days beginning with the date of disclosure.

The member may not participate, or participate further, in any discussion of the matter at the meeting, or participate in any vote, or further vote, taken on the matter at the meeting, unless a dispensation has been granted, and standing orders may provide for the exclusion of a member while any such discussion or vote takes place.

Sensitive Interest

This is an interest where both the member and the monitoring officer consider that disclosure might lead to the member being subject to violence or intimidation, no details of the interest should be included in the public register but an entry may state that the member has an interest, the details of which are withheld under section 32(2).

Dispensations

A dispensation from the restriction on participating in the discussion or voting on a matter in which a member has a disclosable pecuniary interest may be granted in specified circumstances such as where the authority considers that:

- without the dispensation, the number of members prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
- without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
- granting the dispensation is in the interests of persons living in the authority's area;
- that it is otherwise appropriate to grant a dispensation.

Offences

It is an offence, if without reasonable excuse, a person:

- fails to comply with an obligation imposed to disclose pecuniary interests on taking office, and at a meeting, and the requirement to notify the monitoring officer in the circumstances specified), or
- participates in any discussion or vote in contravention or
- the person provides information that is false or misleading and the person either knows that the information is false or misleading, or is reckless as to whether the information is true and not misleading.

Such an offence, if proven, is punishable by a fine and may disqualify a member from office for a period not exceeding 5 years.

Re-adopted at the Parish Council meeting held 1 March 2022

Signed P. Kavanagh

Chair

Appendix A Definition of “Disclosable Pecuniary Interest”

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any 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 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.</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>
Contracts	<p>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—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
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	<p>Any tenancy where (to M's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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.</p>

“M” = member