



KING'S SOMBORNE PARISH COUNCIL
CODE OF CONDUCT AND COUNCILLORS DISPENSATIONS

Adopted by the Parish Council at its meeting on 2 Dec 2019

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Clerk to King's Somborne Parish Council

CODE OF CONDUCT AND COUNCILLORS' DISPENSATIONS

1. Application

This Code of Conduct applies to Councillors whenever they are acting in their capacity as members or are giving the impression of acting in their capacity as members of King's Somborne Parish Council including:

- 1.1 at formal meetings of the Council, its committees and sub-committees
- 1.2 when acting as a representative of the Council
- 1.3 in taking any decision as Councillor
- 1.4 in discharging your functions as a Councillor
- 1.5 at site visits

2. General Conduct

Councillors must –

- 2.1 provide leadership to the Council and communities within the Council's boundaries by personal example
- 2.2 respect others and not bully any person
- 2.3 recognise that staff are employed by and serve the whole Council
- 2.4 respect the confidentiality of information which they receive as a member –
 - 2.4.1 not disclosing confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so; and
 - 2.4.2 not obstructing third parties' legal rights of access to information
- 2.5 not conduct themselves in a manner which is likely to bring the Council into disrepute
- 2.6 use their position as a member in the public interest and not for personal advantage
- 2.7 accord with the Council's reasonable rules on the use of public resources for private and political purposes
- 2.8 exercise their own independent judgement, taking decisions for good and substantial reasons –
 - 2.8.1 attaching appropriate weight to all relevant considerations including, where appropriate, public opinion
 - 2.8.2 paying due regard to the advice of staff and, in particular, to the advice of the statutory officers, namely the Clerk, stating the reasons for their decisions where those reasons are not otherwise apparent
- 2.9 account for their actions
- 2.10 ensure that the Council acts within the law

3. Disclosable Pecuniary Interests

In accordance with S31(4) of the Localism Act 2011, Councillors must –

- 3.1 comply with the statutory requirements to register their disclosable pecuniary interests and they must disclose, leave the room and not participate in respect of any matter in which they have a disclosable pecuniary interest unless a dispensation has been granted
- 3.2 ensure that their register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any changes in respect of their disclosable pecuniary interests
- 3.3 make a verbal declaration of the existence of any disclosable pecuniary interest at any meeting at which they are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent
- 3.4 "Meeting" means any meeting organised by or on behalf of the Council, including –
 - 3.4.1 any meeting of the Council, or a committee or sub-committee of Council
 - 3.4.2 in taking a decision as a member of any body of the Council; and
 - 3.4.3 at any site visit to do with business of the Council

4. Other Interests

- 4.1 In addition to the requirements of Paragraph 3, if a Councillor attends a meeting at which any item of business is to be considered and that Councillor is aware that s/he has a non-disclosable pecuniary interest or non-pecuniary interest in that item, s/he must make a verbal declaration of the existence of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent
- 4.2 Councillors have a non-disclosable pecuniary interest or non-pecuniary interest in an item of business of the Council where –
a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of the Councillor or of a member of his/her family or a person with whom that Councillor has a close association than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the Parish, or
it relates to or is likely to affect any interests listed in the Table in the Appendix to this Code, but in respect of a family member (other than a “relevant person”) or a person with whom that councillor has a close association and that interest is not a disclosable pecuniary interest.

5. Gifts and Hospitality

- 5.1 Councillors 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 has been accepted as a Councillor from any person or body other than the Council
- 5.2 The Monitoring Officer will place this notification on a public register of gifts and hospitality
- 5.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Council for this purpose

6. Dispensations

- 6.1 S33 of the Localism Act 2011, allows a dispensation to be granted on written request to the Proper Officer allowing a Councillor to participate in discussion and/or take part in a vote on any matter where s/he has a disclosable pecuniary interest.
- 6.2 Dispensations may only be granted where so many Councillors have a disclosable pecuniary interest that without the dispensation the transaction of that business would be impeded OR the dispensation is considered to be in the interests of persons living in the area OR it is considered appropriate to grant a dispensation.
- 6.3 Dispensations granted must be for a specific period which may not exceed 4 years.
- 6.4 Any Councillor granted a dispensation shall declare the nature and existence of the dispensation before the start of any business to which it relates and this disclosure shall be minuted.
- 6.5 Where a dispensation is granted, the Councillor may remain in the room and participate in the discussion and vote on the matter in hand even where they would otherwise be prohibited because they have a dispensation.
- 6.6 General dispensations may be applied for to cover any allowance, payment or indemnity given to Councillors, setting the Precept under the Local Government Finance Act 1992 or other instance thought appropriate.

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a Councillor 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 –

Interest	Prescribed description
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 you in carrying out duties as a member, or towards the election expenses of you. 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 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 your knowledge)— (a) the landlord is the Council; 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 your 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.

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;

“member” includes a co-opted member;

“relevant period” means the period of 12 months ending with the day on which you give a notification for the purposes of section 30(1) or section 31(7) of the Act;

“relevant person” means you 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.