

**BROAD HINTON AND WINTERBOURNE BASSETT
PARISH COUNCIL**

MEMBERS CODE OF CONDUCT

PART 1 GENERAL PROVISIONS

1. Introduction

1.1. The law says councils must adopt a Code which is consistent with the Seven Principles of Public Life (the Nolan Principles) and a limited number of specified interests set out as Disclosable Pecuniary Interests in Regulations , and then the onus is on individual councils to decide which “other non-statutory interests” should be declarable and registered under their own Code of Conduct.

1.2. The Broad Hinton and Winterbourne Bassett Council Members’ Code of Conduct is intended to promote high standards of behaviour amongst the elected and co-opted members of the council.

1.3. As a councillor you will often receive information of a private nature which is not yet public or which perhaps would not be intended to be public. Legislation gives you certain rights to obtain information not otherwise available to the public and you are entitled to exercise these rights where the information is necessary to carry out Council duties. Such information is, however, for your own personal use as a Councillor and must not be disclosed or in any way used for personal or party political advantage or in such a way as to discredit the Council. This will also apply in instances where you hold the personal view that such information should be publicly available.

1.4. The Code is underpinned by the following principles of public life which should be borne in mind when interpreting the meaning of the Code:-

(a) **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 benefits for themselves, their family or their friends.

(b) **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.

(c) **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.

(d) **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.

(e) **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.

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(f) **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.

(g) **Leadership** Holders of public office should promote and support these principles by leadership and example.

2. Definitions

2.1. The term “the Council” used in this Code refers to Broad Hinton and Winterbourne Bassett Parish council.

2.2. For the purposes of this Code, a ‘Co-opted Member’ is a person who is not a Councillor but who is a member of any Council committee, sub-committee, joint committee, working party, advisory group or panel.

2.3. For the purposes of this Code and unless otherwise expressed, a reference to a ‘member of the Council’ includes Councillors and Co-opted Members.

2.4. For the purposes of this Code, a ‘meeting’ is a meeting of the Council, any of its committees, sub-committees, working parties, advisory groups and panels.

2.5. The term ‘Council’ used in this Code refers to Broad Hinton and Winterbourne Bassett Parish Council.

2.6. The term ‘the Local Authority’ used in this Code refers to Wiltshire Council and its successors.

2.7. In this Code “relevant authority” has the meaning given to it by section 27(6) of the Localism Act 2011.

3. Member Obligations

3.1. 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:

(a) To comply with the provisions of this Code; Members Code of Conduct adopted by Broad Hinton and Winterbourne Bassett Parish Council.

(b) not to act in a way that a reasonable person would regard as disrespectful, bullying or intimidatory;

(c) do anything which may cause the Council to breach UK equalities legislation;

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council;

(e) not to conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute;

(f) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:-

(i) you have the consent of a person authorised to give it; or

(ii) you are required by law to do so; or

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(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is:-

(a) reasonable and in the public interest;

(b) and made in good faith and in compliance with the reasonable requirements of the Council.

(g) not to prevent another person from gaining access to information to which that person is entitled by law.

(h) not to use or attempt to use his/her position as a member of Council to improperly confer on, or secure for themselves or any other person, an advantage or disadvantage.

(i) when using or authorising the use by others of the resources of the Council to:-

(i) act in accordance with the Council's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(iii) have regard to any Code of Publicity made under the Local Government Act 1986.

PART 2 INTERESTS

4. Disclosable Pecuniary Interests

4.1. Breaches of the rules relating to Disclosable Pecuniary Interests may lead to criminal sanctions being imposed.

4.2. You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State and either:

a) it is an interest of yours, or

(b) it is an interest of:

(i) your spouse or civil partner;

(ii) a person with whom you are living as husband and wife, or

(iii) a person with whom you are living as if you were civil partners and you are aware that that other person has the interest.

5. Registration of Disclosable Pecuniary Interests

5.1. Subject to paragraph 7 below (sensitive interests), you must, within 28 days of:

(a) this Code being adopted or applied by the Council; or

(b) your election or appointment (where that is later),

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notify the Local Authority's Monitoring Officer in writing of any Disclosable Pecuniary Interests you have at that time.

5.2. Subject to paragraph 7 below (sensitive interests), you must, within 28 days of becoming aware of any new Disclosable Pecuniary Interest or any change to any such interest, notify the Local Authority's Monitoring Officer in writing of that new pecuniary interest or change.

6. Disclosable Pecuniary interests in matters considered at meetings or by a single member

6.1. If you attend a meeting and have and are aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, at that meeting, –

(a) if the interest is not entered in the Local Authority's register of members' interests, you must, subject to sub-paragraph 8.1 below, disclose to the meeting the fact that you have a Disclosable Pecuniary Interest in that matter. If you have not already done so, you must notify the Local Authority's Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure, and

b) whether the interest is registered or not you must not – unless you have obtained a dispensation from the Chairman –

(i) apart from making representations, giving evidence or answering questions, prior to the commencement of the debate on that matter, participate, or participate further, in any discussion of the matter at the meeting; or

(ii) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting.

6.2. If you are empowered to discharge functions of the Council acting alone, and have and are aware that you have a disclosable pecuniary interest in any matter dealt with, or being dealt with, by you in the course of discharging that function, you must not take any steps, or any further steps, in relation to that matter (except for the purposes of enabling the matter to be dealt with otherwise than by you).

7. Sensitive interests

7.1. Where you consider (and the Local Authority's Monitoring Officer agrees) that the nature of a Disclosable Pecuniary or Non-Statutory Disclosable 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. 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 in accordance with paragraph 6.1 above.

8. Non Statutory Disclosable Interests (Personal Interests)

8.1. You have a personal interest in any business of the Council where either—

(a) it relates to or is likely to affect –

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- (i) any body of which you are a member or in a position of control or management and to which you are appointed or nominated by the Council as its representative;
 - (ii) any body –
 - (a) exercising functions of a public nature;
 - (b) directed to charitable purposes; or
 - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union); or
 - (d) which is a trade union, professional association or a private club; of which you are a member or in a position of general control or management;
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your Local Authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £5,000;
 - (vii) any contract for goods, services or works made between the Council and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality
 - (ix) with an estimated value of at least £50;
 - (x) any land in the Council's area in which you have a beneficial interest;
 - (xi) any land where the landlord is the Council and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xii) any land in the Council's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business 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, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

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8.2. In sub-paragraph (1)(b), a relevant person is—

(a) a member of your family or any person with whom you have a close association; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £5,000.

9. Registration of Personal Interests

9.1. Subject to paragraph 7 above (sensitive interests), you must, within 28 days of:

a) this Code being adopted or applied by the Council; or

b) your election or appointment (where that is later),

notify the Local Authority's Monitoring Officer and the Clerk to the Council in writing of any Personal Interests you have at that time.

9.2. Subject to paragraph 7 above (sensitive interests), you must, within 28 days of becoming aware of any new Personal Interest or any change to any such interest, notify the Local Authority's Monitoring Officer and the Clerk to the Council in writing of that new Personal Interest or change.

10. Disclosable Personal interests in matters considered at meetings

10.1. If you attend a meeting and are aware that you have a Personal Interest in any matter to be considered, or being considered, at that meeting:-

(a) If the interest is not entered in the Council's register of members' interests, you must disclose to the meeting the fact that you have a Personal Interest in that matter. If you have not already done so, you must notify the Clerk to the Council of the interest before the end of 28 days beginning with the date of the disclosure, and

(b) whether the interest is registered or not you must not – unless you have obtained a dispensation from the Chairman –

(i) apart from making representations, giving evidence or answering questions, prior to the commencement of the debate on that matter, participate, or participate further, in any discussion of the matter at the meeting; or

(ii) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting.

(c) If 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, you must not:-

(i) participate, or participate further, in any discussion of the matter at the meeting; or

(ii) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting.

11. Gifts and Hospitality

11.1. You must, within 28 days of receipt, notify the Local Authority's 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 Council.

11.2. The Local Authority's Monitoring Officer will place your notification on a public register of gifts and hospitality.

This Members Code of Conduct Procedure, which update any earlier version, were adopted by Broad Hinton and Winterbourne Bassett Parish Council at a special meeting held on 5th January 2021

Chairman:

Date: