

**KINGSTON ST MARY PARISH COUNCIL  
MEMBER CODE OF CONDUCT  
LOCALISM ACT 2011**

**INTRODUCTION**

As a Member and representative of Kingston St Mary Parish Council, it is my responsibility to comply with this Code when I undertake or claim to be undertaking Parish Council business or give the impression that I am undertaking Parish Council business.

As a representative of the Parish Council, my actions impact on how the Parish Council as a whole is viewed by the public. It is important, therefore, that I do not do anything when undertaking Parish Council business which I could not justify to the public. It is not enough to avoid actual impropriety, I should at all times avoid any occasion for suspicion or appearance of improper conduct.

This Code is based upon the seven principles of public life which are:

**SELFLESSNESS**

Holders of public office should act solely in terms of the public interest and 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.

I shall have regard to the above principles when fulfilling my role as a Member of the Parish Council.

**1.0 GENERAL OBLIGATIONS**

When undertaking Parish Council business I must:

- 1.1 Treat others with respect.
- 1.2 Not use or attempt to use my position as a Member improperly to give myself or any other person, an advantage or disadvantage.
- 1.3 When reaching decisions on any matter, consider any relevant advice provided to me by the Responsible Financial Officer or the Parish Clerk in accordance with her statutory duties.



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- 1.4 Give reason for decisions in accordance with any statutory requirements and the Parish Council's Standing Orders.
- 1.5 Not use the Parish Council's resources improperly.
- 1.6 Avoid doing anything which may cause the Parish Council to breach a statutory duty or any equality enactments as defined in the Equality Act 2010 Section 149.
- 1.7 Not bully any person.
- 1.8 Not intimidate or attempt to intimidate any person who is or is likely to be:
- a) a complainant
  - b) a witness
  - c) involved in the administration of any investigation or proceedings or
  - d) any other person carrying out the functions of the Parish Council in relation to an allegation that a Member including myself has failed to comply with this Code of Conduct
- 1.9 Avoid doing anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of the Parish Council.
- 1.10 Not disclose information given to me in confidence by anyone, or information acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, except where:
- a) I have the consent of a person authorised to give it
  - b) I am required by law to do so
  - c) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person or the disclosure is reasonable and in the public interest, and made in good faith and in compliance with the reasonable requirements of the Parish Council
  - d) I have consulted the Parish Clerk prior to its release
- 1.11 Not prevent another person from gaining access to information to which that person is entitled by law.
- 1.12 Not conduct myself in a manner which could reasonably be regarded as bringing my office or the Parish Council into disrepute.
- 2.0 INTERESTS**
- 2.1 Disclosable Pecuniary Interests**
- 2.1.1 I must register and declare any Disclosable Pecuniary Interests that relate to my public duties as required by this Code of Conduct.
- 2.1.2 I must, within 28 days of this Code of Conduct being adopted by the Parish Council, register any Disclosable Pecuniary Interests with SWAT's Monitoring Officer, where the Disclosable Pecuniary Interest is mine, my spouse's or my civil partner's, or is the Disclosable Pecuniary Interest of somebody with whom I am living with as a husband or wife, or as if we were civil partners and relatives of mine and all of those noted in this section.

Disclosable Pecuniary Interests will be recorded in the SWAT's Register of Members' Interests and made available for public inspection including on SWAT's website at: [www.somersetwestandtaunton.gov.uk](http://www.somersetwestandtaunton.gov.uk). In addition, it will be made available on the Parish Council's website at [www.kstm.uk](http://www.kstm.uk).



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- 2.1.3 Within 28 days of becoming aware of any new Disclosable Pecuniary Interest or change to any such interest already registered, I must register details of that new interest or change in writing to the SWAT's Monitoring Officer.
- 2.1.4 Where any business of the Parish Council, relates to or affects a Disclosable Pecuniary Interest whether registered or not, and I attend any meeting of the Parish Council or any Committee, Sub-Committee, Joint Committee at which that business is to be considered, I must:
- a) not seek to influence a decision about that business
  - b) disclose to that meeting the existence and nature of that interest no later than the start of the consideration of the business in which I have that interest, or (if later) the time at which the interest becomes apparent to me. The exception to the requirement to disclose an interest is if the matter is a sensitive interest
  - c) withdraw from the meeting room as soon as it becomes apparent that the business is being considered at that meeting unless I have obtained a dispensation from the Parish Clerk. The Parish Clerk may grant me a dispensation, but only in limited circumstances, to enable me to participate and vote on a matter in which I have a Disclosable Pecuniary Interest.
- 2.1.5 Following any disclosure at a meeting or as part of a decision record, of a Disclosable Pecuniary Interest not on the Parish Council's register or the subject of pending notification, I must notify SWAT Monitoring Officer 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.
- 2.1.6 Unless dispensation has been granted, I may not participate in any discussion of, vote on, or discharge any function related to any matter in which I have a Disclosable Pecuniary Interest. Additionally, I must observe the restrictions the Parish Council places on my involvement in matters where I have a Disclosable Pecuniary Interest as defined by the Parish Council and set out in this Code of Conduct.
- 2.1.7 Disclosable Pecuniary Interests are:

Employment, office, trade, profession or vacation      An 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 Parish Council) made or provided within the relevant period in respect of any expenses incurred in carrying out duties as a member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contract      Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Parish Council under which goods or services are to be provided or works are to be executed and which has not been fully discharged.

Land      Any beneficial interest in land which is within the area of the Parish.

Licences      Any licence (alone or jointly with others) to occupy land in the area of the Parish for a month or longer.



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**Securities**

Any beneficial interest in securities of a body where:-

- (a) that body has a place of business or land in the area of the Parish;
- (b) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or 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.

**2.1.8**

It is a criminal offence to:

- Fail to notify SWAT Monitoring Officer of any Disclosable Pecuniary Interest within 28 days of election
- Fail to disclose a Disclosable Pecuniary Interest at a meeting if it is not on the register
- Fail to notify SWAT Monitoring Officer within 28 days of a Disclosable Pecuniary Interest that is not on the register that I have disclosed to a meeting
- Participate in any discussion or vote on a matter in which I have a Disclosable Pecuniary Interest
- As a Member discharging a function acting alone, and having a Disclosable Pecuniary Interest in such a matter, failing to notify SWAT Monitoring Officer within 28 days of the interest
- Knowingly or recklessly providing information that is false or misleading in notifying SWAT Monitoring Officer of a Disclosable Pecuniary Interest or in disclosing such interest to a meeting

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a Parish Councillor for up to 5 years.

**2.2**

**Other Interests**

It is conceivable that an interest could be categorised as both a Disclosable Pecuniary Interest and a Personal Interest or a Personal and Prejudicial Interest. If so, I must treat it as a Disclosable Pecuniary Interest and comply with the requirements set out in paragraphs 2.1.1 - 2.1.6 inclusive

**2.2.1**

In addition to the Disclosable Pecuniary Interests notifiable under the Localism Act 2011, I must within 28 days of:

- a) this Code of Conduct being adopted by or applied to the Parish Council; or
  - b) my election or appointment to office (where that is later)
- give written notification to the SWAT Monitoring Officer of the details of my other personal interests. The exception to this requirement is if the detail of the personal interest is classified as sensitive.

**2.2.2**

I must, within 28 days of becoming aware of any new personal interest or change to any such registered interest, notify SWAT Monitoring Officer of the details of that new interest or change.





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**2.3 Personal Interests**

**2.3.1** I have a personal interest in any business of the Parish Council where:

- a) it relates to or is likely to affect any body of which I am a member or in a position of general control or management and to which I am appointed or nominated by the Parish Council; anybody exercising functions of a public nature, established for charitable purposes, or one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which I am a member or in a position of general control or management
- b) a decision in relation to any business of the Parish Council might reasonably be regarded as affecting my well-being or financial position or the well-being or financial position of a significant person to a greater extent than the majority of other Precept payers or inhabitants of the Parish as the case may be, affected by the decision

Subject to sub-paragraphs (c) to (d) below, where I am aware of a personal interest described in paragraph (a) above in any business of the Parish Council, and I attend a meeting of the Parish Council at which the business is considered, I 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 me.

- c) Where I have a personal interest in any business of the Parish Council which relates to or is likely to affect a significant person (paragraph b) above) or a body I need only disclose to the meeting, the existence and nature of that interest if and when I address the meeting on that business
- d) Where I have a personal interest but the interest is not detailed in the Parish Council's register of members' interests because of the sensitive nature of the interest, I must indicate to the meeting that I have a personal interest, but need not disclose the sensitive information to the meeting
- e) Where I have a personal interest in any business of the Parish Council and I have made an individual decision as a Member in relation to that business, I must ensure that any written statement of that decision records the existence and nature of that interest

**2.3.2** Any personal interests notified to SWAT Monitoring Officer will be included in SWAT's Register of Interests. A copy of the Register will be available for public inspection and will be published on SWAT's website and the Parish Council's website.

**2.4 Prejudicial Interest**

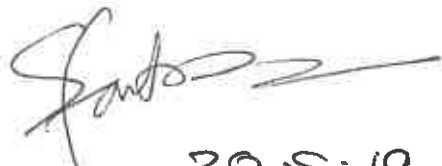
**2.4.1** Where I have a personal interest in any business of the Parish Council, I also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest and where that business:

- a) affects my financial position or the financial position of a significant person or a body (other than another parish, town, district or county council of which I am also a member) or
- b) relates to determining any approval, consent, licence, permission or registration in relation to me or any significant person or a body (other than another parish, town, district or county council of which I am also a member).



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- 2.4.2 Where I have a prejudicial interest in any business of the Parish Council—  
a) I may not participate in any discussion of the matter at a meeting  
b) I may not participate in any vote taken on the matter at a meeting  
c) I must disclose the existence and nature of the interest to the meeting and leave the room where the meeting is held while any discussion or voting takes place on the matter. The exception to the requirement to disclose the detail of the interest is if the matter is a sensitive interest. In these circumstances, I need only state that I have a prejudicial interest and that the details are withheld because of the sensitive information involved.
- 2.4.3 Where I have a prejudicial interest in any business of the Parish Council, I may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business and I leave the meeting room immediately after making representations, answering questions or giving evidence.
- 2.4.4 Subject to my disclosing the interest at the meeting, I may attend a meeting and vote on a matter where I have a prejudicial interest that relates to the functions of the Parish Council in respect of setting a precept under the Local Government Finance Act 1992.
- 2.4.5 Where, as a Member, I may take an individual decision, and I become aware of a prejudicial interest in the matter which is the subject of the proposed decision I must notify SWAT Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek to influence a decision about the matter.
- 2.4.6 I must within 28 days of receipt, notify SWAT Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which I have accepted as a Member from any person or body other than the Parish Council. The Monitoring Officer will place my notification on a public register of gifts and hospitality.
- 2.5 **Sensitive Interests**
- 2.5.1 If I have a Disclosable Pecuniary Interest or a Personal or Personal and Prejudicial Interest but I consider that disclosure of the interest could lead to me or a person connected with me being subject to violence or intimidation and SWAT Monitoring Officer agrees with that assessment, then instead of disclosing the interest I need only disclose that I have a Disclosable Pecuniary Interest or Personal or Personal and Prejudicial Interest (as the case may be). In such instances any published version of the register of interests will exclude details of the interest but may state that I have an interest, the details of which are withheld.

  
20.5.19.

