

## Ilminster Town Council

To: All members of Ilminster Town Council

Dear Councillor

You are summoned to attend a meeting of the **COUNCIL MEETING** of **ILMINSTER TOWN COUNCIL**

To be held on **Tuesday 31 July 2012** at 7.30pm in the Council Chamber, Council Offices, North Street, Ilminster to transact the business outline below.



Julia Thorne  
Town Clerk

Date 25.7.12

### Public Question Time

Members of the public are invited to ask questions or raise issues relevant to the work of the Council. The overall time available for this session is restricted to 15 minutes unless the Chair decides otherwise. Individual speakers are restricted to 3 minutes and are asked not to repeat points that have been made previously. It is helpful if potential contributors can make themselves known to the Clerk before the meeting so that the session can be programmed effectively. This section is not part of the formal meeting of the Council. Minutes will not be produced but questions will be recorded and a written response given by the Town Clerk or the responsible Chair of Committee if required.

## COUNCIL AGENDA

### *Preliminary Matters*

- 1 Minutes from the Previous Meeting
- 2 Apologies for Absence
- 3 Declarations of Interest

### *Items for Discussion*

- 4 Mayor's Announcements/Engagements
- 5 Matters Arising from the Minutes
- 6 Police Report
- 7 Report from County Councillor
- 8 Open Spaces Committee Meeting
- 9 Planning Committee Meeting
- 10 Reports from Sub Committees
- 11 Reports from Representatives on Outside Bodies
- 12 Website
- 13 Code of Conduct
- 14 Appointment of Internal Auditor
- 15 Receipt of Audit for 2011/2012
- 16 Recreation Ground
- 17 Cemetery wall

## Iminster Town Council

- 18 Authorisation of payments
- 19 Action Plan
- 20 Town Clerk's Report and Correspondence
- 21 Meeting Dates
- 22 Resolution
- 23 Confidential Item – Staffing Committee

### COUNCIL AGENDA

#### Preliminary Matters

- 1. **To approve as a correct record the minutes from the previous meeting held on 26 June 2012, attached**
- 2. **Apologies for Absence**
- 3. **Declarations of Interest**

#### Items for Discussion

#### 4. **Mayor's Announcements/Engagements**

Mayor's events – 26th June 2012 – 31st July 2012

Thursday 28th June 2012	Wadham School – Open day
Friday 29th June 2012	Victim Support, Hatch Beauchamp – Somerset Summer Raffle
Saturday 30th June 2012	Scouts - Annual District Camp
Tuesday 10th July 2012	Citizens Advice Bureau, Yeovil – Finger buffet lunch
Thursday 12th July 2012	Swanmead - Celebration of Achievements Evening
Friday 13th July 2012	Wadham @40 - Gala Dinner
Saturday 14th July 2012	Iminster Swimming Club - Awards Night Horton Cross, Nursing home - Fete
Monday 16th July 2012	St Bartholomew Church – Presentation Evening
Tuesday 17th July 2012	Greenfylde School, Miniature Garden Competition – Judging

#### 5. **Matters Arising from the Minutes**

#### 6. **Police Report**

Iminster Beat Report for July 2012 from Sgt Andy Stuart

Since the last police report we at Iminster station have been kept up to our usual work in the Town and in the surrounding villages. The recent weather has had a huge impact on resources assisting other services whilst they deal with the localised flooding in the area particularly Donyatt and Ilford areas. No one was injured in the ever rising water however many vehicles were left abandoned in the floods and one was broken into and some fishing items stolen.

The series of catalytic converter thefts seems to have abated since the arrest of two local males and a third male from out of the area, however there is an ongoing series of motor thefts not related directly to the Iminster area but nevertheless it is a drain on resources. Outlying villages such as Winsham and Clapton have been affected but the main problem of concern is Crewkerne where 4x4's have been stolen and have been used in local crime, then often recovered nearby.

## Ilminster Town Council

Local Officers have changed their shifts to combat this and one male has been arrested while another two are actively being sought, they are not from the Ilminster area, but it does impact on us as it is nearby.

Parking – what can I say – now the Civil Enforcement Officers are in place it has a dramatic effect on the town freeing Police staff up to deal with more important matters in the Town. There was a shop window broken in the Town centre following England's departure from the Euro's. There were no witnesses and we don't know if it is related to the football.

It remains however an isolated incident in what has been a fairly settled period for Ilminster.

The children and some bigger kids are looking forward to the imminent arrival of the new skate ramp and hopefully some nice weather to go with it, anti-social behaviour is down on last year for the same time, this may be due to the poor weather or better Police knowledge of the area.

Update from time of original report: A 4 x 4 was stolen recently from the New Road area, and a smaller car was burnt out next to where it was stolen from. The burnt car was stolen from Crewkerne, driven to Ilminster where they then stole the 4 x 4 and burnt the other. The 4 x 4 was later recovered in Crewkerne, with a large amount of stolen items still in it. These are in the process of being returned to their rightful owners. Local Officers have assisted at Crewkerne due to the sheer volume of thefts and burglaries in the area, and have assisted with finding 4 recently stolen vehicles. Suspects have been identified, one arrested, with at least one outstanding. These persons have no doubt been responsible for some of the thefts / burglaries in our area as well.

### **7. Report from County Councillor**

### **8. Open Spaces Committee Meeting**

Minute 5 Wardens report

To agree the following recommendation from the Open Spaces Committee Meeting held on 10 July 2012.

It was RESOLVED that both a new bin and bench should be purchased and installed where the old furniture on the Orchard Vale had been.

### **9. Planning Committee Meeting**

There were no recommendations from the Planning Committee Meeting held on 10 July 2012

### **10. Reports from Sub Committees**

### **11. Reports from Representatives on Outside Bodies**

Ilminster Forum Report for June and July 2012 from Cllr Lawson

Photographic Competition

The Ilminster forum are running a photographic competition for their annual calendar. Members of the public can enter photos of Ilminster (and the surrounding area) with the 12 best being featured in the calendar, and the best being featured on the front. Prizes range from £50 to copies of the calendar. Terms & conditions can be found on the forum website.

Market Report

The Forum market have decided to drop their fees in order to encourage stall holders in lieu of the recent bad weather. This lower fee will stay in place for the duration of the year.

Marketing Ilminster

Website & Brochure are in development.

Library Garden

Several volunteers are now maintaining the garden, plant donations continue. Plans for an official opening are being discussed.

## Iminster Town Council

Litter

Volunteer litter picks continue with cumulative total of bags increasing weekly.

### 12. Website

Clerk to update

### 13. Code of Conduct

- a) To adopt a new Code
- b) To decide procedure for dispensation
- c) To amend standing orders
- d) To decide changes to the Register of Interest form

### 14. Appointment of Internal Auditor

To agree on the appointment of an Internal Auditor

### 15. Receipt of Audit for 2011/2012

To report that the External Auditor was satisfied with the annual return and that it was in accordance with proper practices and there were no areas of concern.

The notice of conclusion of Audit has been placed on the notice board.

### 16. Recreation Ground

Cllr Goodall to update

### 17. Cemetery wall

Cllr Goodall to report

### 18. Authorisation of payments (attached)

To agree

### 19. Action Plan (attached)

### 20. Town Clerk's Report and Correspondence

- a) Localising Support for Council Tax - To choose a representative to attend the consultation workshop.

The government is replacing the "Council Tax Benefit Scheme" with a local "Council Tax Reduction Scheme". Currently the billing authorities such as South Somerset District Council administer the scheme on behalf of the Department of Work and Pensions (DWP). This will change from 1<sup>st</sup> April 2013 when the authority becomes responsible for the scheme. This will be funded in part through the Government grant mechanism at approximately 90% of the cost of benefits paid currently to claimants. South Somerset must consult with other precepting authorities and the public regarding the design of a new scheme. It is running a workshop on Monday 10th September 2012 at 2.30pm at the Council Chamber in Brympton Way and is asking if one representative from the Town Council can attend.

- b) Request to use the Recreation grounds to fund raise from Cllr Sainsbury who wishes to use the area to organise a team marathon run on a one mile course on either the Recreation Ground or Britten's Field in September possibly on the 8<sup>th</sup>.
- c) Letter of thanks from Children's Hospice Southwest for money raised from the jubilee head shaving event.
- d) Wincanton Town Council letter (attached)
- e) Citizens Award – To note that nominations are now being sought for this. A press release has been sent out to the local media.
- f) Council Chamber booking request from the Liberal Democrats – To decide if the Council is happy to let the chamber to the Liberal Democrats on the evening of Thursday 9<sup>th</sup> August.

## Iminster Town Council

### **21. Meeting Dates**

4 September – Council meeting

18 September – Open Spaces to include Herne Hill Committee meeting

2 October – Finance & Policy Committee meeting

16 October – Council meeting

### **22. Resolution**

To resolve: That in view of the confidential nature of the business about to be transacted it is advisable in the public interest, that the press and public be temporarily excluded and they are instructed to withdraw as laid out in the Public Bodies (Admission to Meetings) Act 1960

### **23. Confidential item**

- a) Staffing Committee report - Chair to update



# ILMINSTER TOWN COUNCIL

Minutes of a meeting of the **ILMINSTER TOWN COUNCIL** held in the Council Chamber, Ilminster on Tuesday, 26 June, 2012 at 7.30p.m.

## Those Present

**Chairman:** Cllr R Swann

**Councillors:** Cllr Austin, Cllr P Burton, Cllr C Goodall, Cllr A Lawson, Cllr Maylor, Cllr D Miller, Cllr Pallister, Cllr A Shearman, Cllr S Shepherd, and Cllr J Sothern

**Officers:** Mrs J Thorne, Mrs R Hope

### 1. Minutes of the Previous Meeting

It was RESOLVED that the Minutes of the meeting held on 15 May 2012 and 19 June 2012 be approved and signed as a true and correct record

Following the addition of 'towards running costs for sessions' for the Ile Youth and Community Centre, it was RESOLVED that the Minutes of the meeting held on 19 June 2012 be approved and signed as a true and correct record.

### 2. Apologies for Absence

Apologies received from Cllrs Sainsbury, Taylor, Vijeh and Whaites.

### 3. Declarations of Interest

Item 22 – Cricket club nets. Cllrs Pallister and Shepherd declared an interest in this item due to their positions in the Cricket Club.

### 4. Mayor's Announcements/Engagements

The Mayor reported he had attended the following engagements in June, 1<sup>st</sup> Swanmead School Olympic event and Wadham School, Street Party, 2<sup>nd</sup> Jubilee Dinner at The Shrubbery, 3<sup>rd</sup> Civic Open Air Service and Jubilee events on the Recreation Ground, 5<sup>th</sup> Jubilee Tea at Vaughan Lee House, 10<sup>th</sup> Civic Service at the Minster, 16<sup>th</sup> Lions Summer Fete and Ilminster Swimming Club Jurassic League Event, 21<sup>st</sup> Royal Air Force Cadets, ATC Annual Inspection, 24<sup>th</sup> Yeovil Town Council Civic Service

### 5. Matters arising from the Minutes

- (a) 15 May 2012, Item 15, Hammerhead. Councillor Goodall reported that the builders were still looking to use the entrance from the roundabout and were still in discussions with Highways.

### 6. Police Report

The Clerk presented a written report from PC Andy Stuart in which he said that the Olympic Torch had passed through the town without incident and was well attended despite the early start. He was looking into complaints of loud music on the Recreation Ground from the clubs though anti social behaviour reports were less than last year.

There was the usual amount of 'non dwelling burglaries' such as shed and garage break ins with theft of mowers and strimmers.

Several items had been handed in to the Police Station such as wallets and these had been returned to their owners, however they were in receipt of two bikes and sets of keys that nobody has reported missing.

Parking issues had been taken over by Civil Parking Enforcement, working on behalf of Somerset County Council however the Police were still able to deal with obstruction offences.

Cllr Miller commented that whilst he understood it was probably not the best use of Police time to attend every Council meeting, could they be requested to attend once a quarter. Cllr Shearman asked if any arrangements had been made for Councillors to shadow the PCSOs.

#### **7. Report from County Councillor**

There was no report.

Cllr Goodall commented that although Cllr Turner was unwell she was managing to attend meetings at County Hall.

#### **8. Report from District Councillors**

Cllr Goodall reported that South Somerset News had been delivered to houses in the area, it contained details of the Core Strategy and information on the Council Tax benefit reforms due in April next year.

The new Code of Conduct would be discussed at a meeting on 19<sup>th</sup> July following discussions with other district authorities to produce a county wide paper. Peter Lacey had suggested that Parish and Town Councils should look to using this Code of Conduct.

#### **9. Finance and Policy Committee Meeting**

There were no recommendations from the meeting held on 29 May 2012.

Cllr Miller commented that he was not happy with the current procedures for distributing paperwork.

#### **10. Open Spaces Committee Meeting**

There were no recommendations from the meeting held on 12 June 2012

#### **11. Planning Committee Meeting**

There were no recommendations from the meeting held on 29 May and 19 June 2012

#### **12. Reports from Representatives on Outside Bodies**

(a) Christmas Lights



Cllr Pallister reported that the AGM had been held. The Silver Street lights were to be upgraded to LED's. It was now not possible to replace the figures as they were no longer made. Robert Stone were to have a new decoration above their gate. The Victorian Evening this year was to have more 'Victorian Features' such as roasted chestnuts.

(b) Youth Club

Cllr Burton reported that improvements to the building had been made, the ladies toilets had been refurbished and there had been repainting inside the building. They were looking to Yarlinton homes for a grant for the building fund. Activities for Friday night were funded by the children attending. The Youth Club earned £250 from each car that parks on site each year however there are issues with identifying the cars. The building itself is owned by the Howden Trust and run with three trustees. The Council asked Councillor Burton to ascertain who the trustees were.

(c) Twinning

Cllr Sothern asked if the Chair of the Twinning Association could give a presentation prior to a future meeting. This was agreed.

### **13. Authorisation of payments**

It was RESOLVED that the accounts listed in the schedule, totalling £39,960.96 be approved.

### **14. Code of Conduct**

The Clerk updated Councillors on the issue of Code of Conduct changes due to commence on July 1<sup>st</sup> 2012. She asked Councillors to consider meeting to discuss this issues and any further issues that this may have for standing orders.

Cllr Goodall suggested that the Council consider adopting the Code of Conduct drawn up by South Somerset District Council that would be under consideration on July 19<sup>th</sup>. It was agreed that the discussion should take place on 24<sup>th</sup> July at the Finance and Policy Committee meeting.

### **15. Tripartite Meeting**

The Clerk commented that the report had been tabled for Councillors information and to note the confidential aspect of one of the items.

### **16. Skate Park**

The clerk reported that work was due to start on Monday 23<sup>rd</sup> July weather permitting. Cllr Miller asked for a breakdown of the costs. Cllr Goodall replied £89,595.60p which included VAT. A discount of £8034 had been obtained and it was hoped that the price would lower further following discussion with PlayUK.

Cllr Miller congratulated the Chair of Open Spaces for her hard work on this project.

## **17. Presentation Evening**

The Clerk confirmed that the Presentation Evening would be held on September 13<sup>th</sup> 2012 at the Shrubbery Hotel.

## **18. Action Plan**

(a) Action 1 Lower Cemetery Wall

Cllr Miller asked if anyone had been advised of the relevant parts of the covenant.

(b) Action 3 Lower Cemetery Wall

Cllr Goodall reported that she continued to pursue the legal department.

(c) Action 6 MUGA

Cllr Pallister asked if this item could be removed. This was agreed.

(d) Action 5 Cemetery Lodge Crack

Councillors asked if this could be formally checked.

(e) Action 8 Additional land for recreational space

Cllr Miller asked if we have produced evidence of need, had the Clerk ascertained from the Sports clubs the use of the pitches and were Cllrs Goodall, Miller and Pallister going to convene a meeting

(f) Action 10 Herne Hill leaflet

Cllr Lawson commented that he had produced a disk to be sent to the printers

(g) Action 16 Football Club Facilities

Cllr Pallister asked if there had been any feedback. The Clerk replied she had not received any information.

(h) Action 15 Strategic vision

Cllr Miller asked if in the light of SSDC Core Strategy was the Vision now redundant. Cllr Goodall replied that it was still relevant and that Ilminster by Design should be incorporated into it. Cllr Maylor said she was willing to assist with this. Cllr Goodall also commented that due to the many events in the town this summer the Vision had been delayed.

(i) Canal Way Parking

The Clerk was asked to pursue Highways

## **19. Town Clerk's Report and Correspondence**

The Clerk reported that

(a) A letter had been received from Ilminster Experience thanking the Council for the use of the Recreation Ground

(b) A request for nominations for 'Chairman's Awards for Service to the Community' Cllr Maylor commented that the former owners of Town and Country should be nominated.

(c) Notification of the proposed South Somerset Local Plan had been received. Cllr Miller asked that the matter be discussed by Councillors to give a response to the issues raised. It was agreed that the Planning meeting on July 10<sup>th</sup> should have an item covering this.

- (d) The Clerk and Deputy Clerk had attended a Cemetery Management course and would like to bring the issues raised to the next Open Spaces meeting.
- (e) Cllr Swann and Shearman updated the Council on the footpaths they were strimming
- (f) Pegasus Planning Group were to have a public consultation for the former Powrmatic site on 12 July between 3 and 8pm

## 20. Meeting Dates

- 10 July – Open Spaces
- 17 July – Personnel
- 24 July – Finance and policy
- 31 July – Council

## 21. Resolution

It was resolved that in view of the confidential nature of the business about to be transacted it is advisable in the public interest, that the press and public be temporarily excluded and they are instructed to withdraw as laid out in the Public Bodies (Admission to Meetings) Act 1960

## 22. Confidential items

### (a) Cricket Club Nets

Following discussion the Clerk was asked to ascertain what speed the wind was blowing on June 7<sup>th</sup> and to get a breakdown of costs for repairing the cricket nets. The matter would be discussed again at the Open spaces meeting.

### (b) Appointment of Committees

It was **agreed** to set up three committees to deal with personnel issues – a Staffing Committee to oversee personnel issues, chaired by the Mayor with no powers of delegation to report back to Council; a Grievance, Capability, and Disciplinary Committee to be chaired by the Deputy Mayor with a quorum of 4 and an Appeals committee with a quorum of 3. It was agreed that Councillors Swann, Shepherd, Vijeh, and Goodall be on the Staffing Committee with Councillors Taylor, Shearman, Shepherd, Sothern, on the Grievance, Capability and Disciplinary Committee with Councillors Miller and Vijeh in reserve, Councillors Maylor, Burton and Austin serve on the Appeals Committee with Councillor Whaites in reserve. It was agreed that all members except for members that are on the Appeals Committee could attend the other two Committees.

### (c) Market House

It was **agreed** an amount up to £300 be spent on fees to survey the Market House with a report to council on the findings.

### (d) Personnel

The Personnel Working Party had met and discussed the job descriptions in regard to the resignation of the Administration Manager. It was agreed the proposed amendments would be handed over to the Staffing Committee to examine and discuss.

A job advert would also need to be put together and it was agreed this would be placed in the Chard and Ilminster News, the Western Gazette and the Job Centre website.

The Meeting closed at 9:35 pm

Signed..... Date.....

## Report for Ilminster County Division

### Despite a great deal of opposition the Administration at County Hall have now sold The Great Wood on the Quantock Hills to the Forestry Commission.

1. The Service Reviews – we are looking at every one of the 170 services provided by Somerset County Council and this is going ahead quite slowly. At Full council on 15<sup>th</sup> February the Conservative Administration voted down our proposal to keep good and excellent services in-house, offering services across the region. They prefer to see everything outsourced or commissioned from elsewhere. The budget for this work – which will be done a lot by consultants - is £3 million for 2012-2013!
2. During February there was a series of Local Choice Events – which Somerset County Council organised. Fronted by the SCC Chief Executive. The purpose of the events was to explore what Parish/Town Councils and local communities may be able to do for themselves due to SCC being no longer able to afford to provide its current level of services! The feed back has been received from the County Council and is attached.
3. There has been a **staff survey** at County Hall and the results have been appalling. Morale is at rock bottom, and although officers enjoy the work, they are frustrated at the lack of leadership at the top. To look at the results click on:-  
<http://change.somerset.gov.uk/home/say/>
4. **£13m investment for schools** - Somerset County Council is set to invest millions in building new classrooms, and repairing and maintaining the county's schools and autism units. A £13m capital investment funding programme given by the Government to support children and young people comes into force this month for the 2012/13 financial year. Nearly £6m has been allocated to repair and maintain 172 schools across the county; £3.5m has been set aside for the replacement of Penrose School in Bridgwater, while £1.4m will go to providing more school places and up to £1.2m to replace temporary buildings. Four new classrooms will be built at St. Mary's School in Bridgwater, an additional temporary classroom will be provided at St Nicholas's School in Henstridge, along with two additional temporary classrooms at Westover Green School. In addition, £450K has been set aside to maintain and repair Somerset's Autism units and accommodation for children in care. In past years the County Council had to borrow money for school repairs and building new classrooms. We are really lucky that the Government sees this as a high priority.
5. **Somerset's museums, historic castles and ancient monuments** have entered cyberspace, with the launch of a new website and social media platforms. Somerset Routes, a scheme that celebrates Somerset's heritage in one touring map, has this week launched its website - [www.somersetroutes.co.uk](http://www.somersetroutes.co.uk) - making it even easier for the public to explore the county's historic attractions. Originally created in 2009 by Somerset County Council and the Museums in Somerset group, the 'tube map' style design breaks the county into seven different travel lines, taking in over 120 of the county's best heritage attractions. The new website allows you to search for places to visit via the 'tube map' or by criteria, such as historic period or collection type. It also contains information on each attraction, events, itineraries and volunteering opportunities, as well as links to social media platforms Facebook, Twitter and YouTube. I hope that the new website can take the project to an even wider audience, encouraging yet more people to explore the county's hidden gems. Bakelite coffins, the oldest manmade road in Britain and early Victorian prosthetic limbs are just some of the treasures that can be found in Somerset. It boasts an amazing number of museums and heritage attractions, and the website celebrates the fascinating, quirky, important and often intriguing heritage locations in the county. Highlights from the Somerset Routes map include the recently opened Museum of Somerset, Coleridge Cottage, Glastonbury Abbey, Ham Hill Country Park, Montacute House, Hestercombe



Gardens and the site of the Battle of Sedgemoor. To find out more visit [www.somersetroutes.co.uk](http://www.somersetroutes.co.uk)

6. A warning for the 15<sup>th</sup> November 2012. There will be elections across the UK on that day for the posts of Police Commissioner in each policing area. Discussions are underway about the sad demise of the Police Authority on 20<sup>th</sup> November and the setting up of Police and Crime Panel to scrutinise the Police Commissioner. You will no doubt be hearing more about this very soon.
7. Ken Maddock Leader of the County Council is stepping down. He is has been selective as the candidate for the Conservative for the post of Avon and Somerset Police Commissioner. The new leader in will be John Osman. He was the cabinet member for Children and Young People.
8. I have been contacting officers at District and County with my concerns of the First bus changes in Ilminster. I am worried that the Town has been split into two. You cannot pick First Bus outside the Market house anymore. You have to use the bus stops in Canal Way. Which I feel is wrong. I have asked that a meeting can be arranged with officers from both District and County, Also member from the Town Council to have talks to sort these urgent issues out.
9. I have also asked for a urgent meeting with County Colin Fletcher on the issues of enforcement parking in town centre and surrounding area since the enforcement officer. I still have not heard from him sending two emails.I will chase him again after my annual leave. Same with Greendale parking restrictions.
10. Doctor surgery Canal way. Julia or Carol can update you on this matter in camera please. As I have kept them up to date on this matter.

### **Contacts for Kim Turner**

e-mail: [kim.turner@southsomerset.gov.uk](mailto:kim.turner@southsomerset.gov.uk)





## Code of Conduct 2012    Report by Clerk to Council Meeting July 2012

Attached with this agenda you should have copies of the NALC and County/District Members Code of Conduct and a note from SALC about revisions to standing orders.

As I explained in my last report on the Code of Conduct for the Council Meeting on June 26, the current Standards regime has changed as of July 1<sup>st</sup>, the current Code of Conduct is to be abolished and under the Localism Act 2011 all councils are required to adopt a new Code of Conduct.

Some of the key changes are:

- Each council must adopt its own Code dealing with conduct expected of its members
- There is no statutory model to adopt – but it is suggested you adopt either the NALC or District/County Model to avoid confusion
- The new Code must be consistent with the 7 'Nolan' principles of standards in public life: Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership
- SSDC will continue to be responsible for dealing with complaints against Town Council members and these complaints will be judged against the Code the Town Council has adopted.
- The intention is for SSDC to set up a Standards Committee to deal with Code of Conduct matters which will be made up of SSDC members only. Parish representatives may be co-opted at a later date but would be non-voting. A Joint Committee between SSDC and the Town and Parishes may be formed in the future.
- SSDC is required to have an Independent Person who must be consulted at various stages in the process and before the Council makes a decision on an investigated complaint.
- There will be no statutory sanctions such as suspension or disqualification
- Available sanctions will include reporting findings to the Council, recommending removal from Committees, training, removal from outside appointments, withdrawing facilities and exclusion from Council offices
- Until such time a Joint Committee is set up, SSDC can only recommend sanctions, rather than impose them upon Town and Parish Councils. The Town Council would be under no obligation to accept those recommendations.
- Unlike the old Code there is no right of appeal in relation to:
  - Decision as to whether to investigate a complaint
  - Imposition of sanction by Standards Committee

The only recourse is Judicial Review

- SSDC Monitoring Officer must establish and maintain the register of members' interests for the Town Council which must be available for inspection at the SSDC offices and on its websites. The Town Council must also make the register available on its own website.
- The Code of Conduct the Council adopts will determine what must go in the register and there will also be requirements for the registration of 'disclosable pecuniary interests'. The Regulations defining these are included on page 12 of the District/County Code . NB. Members have to disclose their spouse/partner's interests as well as their own.
- It will be a criminal offence for a member to fail to disclose a 'disclosable pecuniary interest' without reasonable excuse or to provide false or misleading information.
- The legislation does not require members to withdraw from the room where they have a discloseable pecuniary interest; it only prevents them from 'participating'. However the Council may wish to consider adopting a standing order requiring members to withdraw from the meeting room under these circumstances.



## Relevant Extracts from the Localism Act 2011

### 30 Disclosure of pecuniary interests on taking office

(1) A member or co-opted member of a relevant authority must, before the end of 28 days beginning with the day on which the person becomes a member or co-opted member of the authority, notify the authority's monitoring officer of any disclosable pecuniary interests which the person has at the time when the notification is given.

### 31 Pecuniary interests in matters considered at meetings or by a single member

(2) If the interest is not entered in the authority's register, the member or co-opted member must disclose the interest to the meeting, but this is subject to section 32(3).

(3) If the interest is not entered in the authority's register and is not the subject of a pending notification, the member or co-opted member must notify the authority's monitoring officer of the interest before the end of 28 days beginning with the date of the disclosure.

(4) The member or co-opted member may not—

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

(b) participate in any vote, or further vote, taken on the matter at the meeting,

but this is subject to section 33.

(6) Subsections (7) and (8) apply if—

(a) a function of a relevant authority may be discharged by a member of the authority acting alone,

(b) the member has a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, by the member in the course of discharging that function, and

(c) the member is aware that the condition in paragraph (b) is met.

(7) If the interest is not entered in the authority's register and is not the subject of a pending notification, the member must notify the authority's monitoring officer of the interest before the end of 28 days beginning with the date when the member becomes aware that the condition in subsection (6)(b) is met in relation to the matter.

(8) The member must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the member).



**REGISTER OF MEMBERS' INTERESTS**

**GENERAL NOTICE OF REGISTRABLE INTERESTS**

*South Somerset District Council's Code of Conduct adopted 19<sup>th</sup> July 2012*

I, Councillor .....

a Member of South Somerset District Council (the Council') give notice that

**Either**

I have no registrable interests which are required to be declared under the Council's Code of Conduct, and I have put 'none' where I have no such interests under any heading.

**Or**

I have set out below under the appropriate headings my interests, and those of my spouse/civil partner (or person with whom I am living as such) of which I am aware, which I am required to declare under the Council's Code of Conduct. These include any disclosable pecuniary interests under sections 29 to 31 of the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, and I have put 'none' where I have no such interests under any heading.

**Note:**

1. *Where you consider that information relating to any of your interests is a 'Sensitive Interest' you need not include that interest provided you have consulted with the Monitoring Officer and he agrees that it need not be included. A 'Sensitive Interest' is an interest which could create or is likely to create a serious risk that you or a person connected with you may be subjected to violence or intimidation.*
2. *Where the interest is no longer a 'Sensitive Interest' you must notify the Monitoring Officer within 28 days of that change.*
3. *This form gives general guidance, but is not comprehensive. The District Council's Code of Conduct gives precise requirements. The Localism Act and the Regulations named above should be referred to where necessary. Continuation sheets should be used where needed and clearly marked.*

**1. Employment, Office, Trade, Profession or Vocation**

- 1.1 You should disclose any employment, office, trade, profession or vocation carried on for profit or gain, including the name of any person or body who employs or has appointed you.

.....  
.....

And of your spouse/civil partner (or person with whom you are living as such) of which you are aware

.....  
.....

**2. Sponsorship**

- 2.1. You should declare any payment or provision of any other financial benefit (other than from the Council) made or provided within the last 12 months in respect of expenses incurred by you in carrying out your duties as a member, or towards your election expenses.

*Note - This includes any payment or financial benefit from a trade union*

.....  
.....

And of your spouse/civil partner (or person with whom you are living as such) of which you are aware

.....  
.....

**3. Securities**

- 3.1 You should detail any beneficial interest in securities of a body which has to your knowledge a place of business or land in the District of South Somerset and **either** the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital, **or** one hundredth of the total issued share capital of any class of shares issued.

.....  
.....

And of your spouse/civil partner (or person with whom you are living as such) of which you are aware

.....  
.....

**4. Contracts**

4.1 You should detail any current undischarged contract made between you, or a body in which you have a beneficial interest, and the Council under which goods or services are to be provided or works are to be executed.

.....  
.....

And of your spouse/civil partner (or person with whom you are living as such) of which you are aware

.....  
.....

**5. Land, Licences and Corporate Tenancies**

5.1 Land

You should detail any beneficial interest in land (and this includes your house) with the District of South Somerset (excluding any easement, or right in or over land which does not carry the right to occupy or receive income).

.....  
.....

And of your spouse/civil partner (or person with whom you are living as such) of which you are aware

.....  
.....

5.2 Licences

You should detail any licence (alone or jointly with others) to occupy land in the District of South Somerset for a month or longer.

.....  
.....

And of your spouse/civil partner (or person with whom you are living as such) of which you are aware

.....

5.3 Corporate Tenancies

You should detail any tenancy where to your knowledge, the Council is the landlord and the tenant is a body in which you have a beneficial interest.

.....

And any such tenancy of your spouse/civil partner (or person with whom you are living as such) of which you are aware

.....

**6. Membership of other bodies**

6.1 Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council.

.....

.....

.....

6.2 Any body exercising functions of a public nature of which you are a member or in a position of general control or management.

.....

.....

6.3 Any body directed to charitable purposes of which you are a member or in a position of general control or management.

.....

.....

6.4 Any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

.....

.....



## 7. Disclosure of Gifts and Hospitality

- 7.1 You must reveal the name of any person from whom you have received a gift or hospitality with an estimated value of at least £25 which you have received in your capacity as a member of the Council.

Date of receipt of Gift/Hospitality	Name of Donor	Reason and Nature of Gift/Hospitality

*You are reminded that you must update the register within 28 days of receiving any further gift or hospitality with an estimated value of at least £25 by completing a continuation sheet which may be obtained from Democratic Services (Angie Cox ext 2148).*

## 8. Changes to Registered Interests

- 8.1. I understand that I must, within 28 days of becoming aware of any new or change in the above interests, including any change in relation to a sensitive interest, provide written notification thereof to the Council's Monitoring Officer.
- 8.2. I recognise that it is a breach of the Council's Code of Conduct to:
- (1) omit information that ought to be given in this notice;
  - (2) provide information that is materially false or misleading;
  - (3) fail to give further notices in order to
    - bring up to date information given in this notice;
    - declare an interest that I acquire after the date of this notice and have to declare

and that any breach of the Code of Conduct can be referred to the Standards Committee.

8.3 I understand that failure (without reasonable excuse) to register or disclose any disclosable pecuniary interest in accordance with section 30(1) or 31(2), (3) or (7) of the Localism Act 2011, or participating in any discussion or vote in contravention of section 31(4) of the Localism Act 2011, or taking any steps in contravention of section 31(8) of the Localism Act 2011 is a criminal offence and risks a fine not exceeding level 5 on the standard scale (currently £5,000) or disqualification as a member for a period not exceeding 5 years.

Signed: ..... (Councillor)

Date: .....

Received:

Date: .....

Signed: .....

**Monitoring Officer  
South Somerset District Council**

## Revisions to Standing Orders to be taken in July 2012.

### *New SO 7.*

- a) All councillors shall observe the code of conduct adopted by the Council.
- b) All councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.
- c) Councillors with a disclosable pecuniary interest must leave the room or chamber during the relevant item of business, unless permitted to remain following the grant of a dispensation.
- d) Councillors with an interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber, unless permitted to remain following the grant of a dispensation .
- e) Following a written request to the Proper Officer of the Council (the Clerk), the Council may grant a member a dispensation to participate in a discussion and / or vote on a matter at the meeting even if s/he has any form of interest (disclosable pecuniary, other) if the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the council's area to allow the member to take part; or it is otherwise appropriate to grant a dispensation. The grant of a dispensation is automatically delegated to the Clerk and any dispensation may permit the councillor to speak, or to speak and vote.

### *New SO 25 to replace entirely old SO 25 (Power of well-being)*

#### **25. Power of General Competence**

- a) Before exercising the power of general competence, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.
- b) The Council's period of eligibility begins on the date that the resolution under standing order 25 (a) above was made and has to be renewed by Council Resolution at the annual meeting of the Council that takes place in a year of ordinary elections.
- c) After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 25(b) above.

**SO 1 y** This should now include the option of delegation of business to the Clerk if a meeting is not quorate.



# .....PARISH COUNCIL

## CODE OF CONDUCT FOR MEMBERS

*(Based on District / County Model)*

As adopted at the Meeting held on    th July 2012.

This Code is based on the Model supplied by the Monitoring Officers of the Somerset District Councils, Somerset County Council, and the Somerset Association of Local Councils.

Text in strikethrough font is retained for comparison with the codes adopted by the principal authorities, and to retain consistent numbering of paragraphs, but is not applicable to this Parish Council.

Text in Bold is required by statute.

Some further guidance may be found in the Standing Orders adopted by the Council.

Clerk to the Parish Council:

Contact Address:

This page is intentionally blank.

.....PARISH COUNCIL  
CODE OF CONDUCT FOR MEMBERS Adopted ..th July 2012.

INTRODUCTION AND INTERPRETATION

As a member and representative of this Council it is your responsibility to comply with this Code when you undertake or claim to be undertaking Council business or give the impression that you are undertaking Council business.

As a representative of this Council your actions impact on how the Council as a whole is viewed by the public. It is important, therefore, that you don't do anything when undertaking Council business which you could not justify to the public. It is not enough to avoid actual impropriety, you 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 set out at Appendix 1. You shall have regard to those principles when fulfilling your role.**

An explanation of the terms used in this Code can be found in Appendix 2.

1. GENERAL OBLIGATIONS

When undertaking Council business you must:

- 1.1 treat others with respect;
- 1.2 not use or attempt to use your position as a member improperly to give yourself or any other person, an advantage or disadvantage;
- 1.3 when reaching decisions on any matter, consider any relevant advice provided to you by—
  - a) the Council's Responsible Finance Officer (RFO); or
  - b) the Council's monitoring officer, or
  - c) the Proper Officer,in accordance with his or her statutory duties;
- 1.4 give reasons for decisions in accordance with any statutory requirements;
- 1.5 act in accordance with the Council's policies.
- 1.6 not use Council's resources improperly (including for political purposes);
- 1.7 avoid doing anything which may cause the Council to breach a statutory duty or any of the equality enactments (as defined in section 149 of the Equality Act 2010);
- 1.8 not bully any person;
- 1.9 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 Council,

in relation to an allegation that a member (including yourself) has failed to comply with the Council's code of conduct;

1.10 avoid doing anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council;

1.11 not 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—

- a) you have the consent of a person authorised to give it;
- b) you are 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
- d) the disclosure is—
  - i. reasonable and in the public interest; and
  - ii. made in good faith and in compliance with the reasonable requirements of the Council; and
- e) you have consulted the monitoring officer prior to its release;

1.12 not prevent another person from gaining access to information to which that person is entitled by law; and

1.13 not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.

## 2. INTERESTS

### Disclosable Pecuniary Interests

- 2.1 **You must register and declare any disclosable pecuniary interests that relate to your public duties as required by this Code, and set out in Appendix 3.**
- 2.2 **You must, within 28 days of this Code being adopted by the Council or your taking office as a member or co-opted member, register any disclosable pecuniary interests with the Council's monitoring officer, where the disclosable pecuniary interest is yours, your spouse's or civil partner's, or is the disclosable pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners. Disclosable pecuniary interests will be recorded in the Council's Register of Members' Interests and made available for public inspection including on the District Council's**



website at: www. XXXX somerset.gov.uk. [In addition it will be made available on the Council's website at .]

- 2.3 Within 28 days of becoming aware of any new disclosable pecuniary interest or change to any such interest already registered, you must register details of that new interest or change in writing to the Council's monitoring officer.
- 2.4 Where you have a disclosable pecuniary interest in any business of the Council, whether registered under 2.2 above or not, and you attend any meeting of the Council, or any Committee, Sub-Committee, or Joint Committee at which that business is to be considered, you must:
- not seek to influence a decision about that business
  - disclose to that meeting the existence and nature of that interest no later than the start of the consideration of the business in which you have that interest, or (if later) the time at which the interest becomes apparent to you. The exception to the requirement to disclose an interest is if the matter is a sensitive interest under paragraph 2.11
  - **withdraw from the meeting room or chamber** as soon as it becomes apparent that the business is being considered at that meeting;
- unless you have obtained a dispensation from the Council or Clerk .
- 2.5 Following any disclosure at a meeting or as part of a decision record, of a disclosable pecuniary interest not on the Council's register or the subject of pending notification, you must notify the 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.
- 2.6 Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a disclosable pecuniary interest. Additionally you must observe the restrictions the Council places on your involvement in matters where you have a disclosable pecuniary interest as defined by the Council and set out in this Code.

#### Personal Interests

2.7 (1) In addition to the disclosable pecuniary interests notifiable under the Localism Act 2011, you must, within 28 days of—

- a) this Code being adopted by or applied to the Council; or
- b) your election or appointment to office (where that is later),

give written notification to the Monitoring Officer of the details of your other personal interests, as defined below, for inclusion in the register of interests.

(2) You have a personal interest in any business of the Council where:

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

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council;

(ii) any body—

(aa) exercising functions of a public nature;

(bb) established for charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;

(b) where a decision in relation to any business of the Council 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, as the case may be, affected by the decision;

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

2.8(1) Subject to sub-paragraphs (2) to (4) below, where you are aware of a personal interest described in paragraph 2.7 above in any business of the Council, and you attend a meeting of the Council at which the business is considered, you 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 you.

(2) Where you have a personal interest in any business of the Council which relates to or is likely to affect a person described in paragraph 2.7 (2) (b) above, you need only disclose to the meeting the existence and nature of that interest if and when you address the meeting on that business.

(3) Where you have a personal interest but sensitive information relating to it is not registered in the Council's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

~~[(4) Where you have a personal interest in any business of the Council and you have made an individual decision (as a Cabinet/Executive member) in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest subject to (3) above.]~~

(5) Any personal interests notified to the Monitoring Officer will be included in the register of interests.

(6) A copy of the register will be available for public inspection and will be published on the District Council's website and the Council's website (where applicable).

### Prejudicial Interests

2.9 (1) Where you have a personal interest in any business of your Council you 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 your judgement of the public interest and where that business—

(a) affects your financial position or the financial position of a person or body described in paragraph 2.7 (2) (b); or

(b) relates to determining any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 2.7 (2).

(2) Subject to paragraph (3) and (4), where you have a prejudicial interest in any business of your Council—

(a) You may not participate in any discussion of the matter at a meeting.

(b) You may not participate in any vote taken on the matter at a meeting.

(c) If the interest is not registered, you must disclose the interest to the meeting.

(d) You must leave the room where the meeting is held while any discussion or voting takes place on the matter.

(e) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

(3) Where you have a prejudicial interest in any business of your Council, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the meeting room immediately after making representations, answering questions or giving evidence.

(4) Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of your Council in respect of—

~~(i) housing, where you are a tenant of your Council provided that those functions do not relate particularly to your tenancy or lease;~~

~~(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full-time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;~~

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(iv) an allowance, payment or indemnity given to members;

(v) any ceremonial honour given to members; and

(vi) setting council tax or a precept under the Local Government Finance Act 1992.

~~(5) Where, as a Cabinet/Executive member, you may take an individual decision, and you become aware of a prejudicial interest in the matter which is the subject of the proposed decision you must notify the 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.~~

### Receipts of gifts and hospitality

2.10(1) 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 £25 which you have accepted as a member from any person or body other than the Council.

(2) The Monitoring Officer will place your notification on a public register of gifts and hospitality.

### 2.11 Sensitive Interests

2.11(1) **If you have a Disclosable Pecuniary Interest or a Personal or Personal and Prejudicial Interest but you consider that disclosure of the interest could lead to you or a person connected with you being subject to violence or intimidation and the Monitoring Officer agrees with that assessment then instead of disclosing the interest you need only disclose that you 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 you have an interest, the details of which are withheld.

### Pre-determination or Bias

2.12 Guidance on Pre-determination or Bias is attached at Appendix 4.

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.

CODE OF CONDUCT - INTERPRETATION

In the Council's Code of Conduct the following words shall have the following meanings ascribed to them—

- “the Act” means the Localism Act 2011;
- “disclosable pecuniary interest” is as defined in Appendix 3
- “meeting” means any meeting of—
  - (a) the Council;
  - (b) the Cabinet of the Council;
  - (c) any of the Council's or its Cabinet's committees, sub-committees, joint committees, joint sub-committees, or area committees;whether or not the press and public are excluded from the meeting in question by a resolution of members
- “member” includes a co-opted member and an appointed member.
- “sensitive information” means information relating to a member's interests that the monitoring officer has determined need not be included in the member's registration of an interest or any change to that interest, by virtue of the fact that its availability for inspection by the public is likely to create a serious risk that any person may be subjected to violence or intimidation
- “bullying” means offensive, intimidating, malicious, insulting or humiliating behaviour based on abuse or misuse of power or Council which attempts to undermine
- “disrepute” means a lack of good reputation or respectability which can be reasonably regarded as reducing the public's confidence in that member being able to fulfil their role or adversely affecting the reputation of members generally in being able to fulfil their role
- “relevant person” in relation to personal and personal and prejudicial Interests means
  - 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 £25,000; or
  - (d) any body-
    - (1) of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council;
    - (2) exercising functions of a public nature;
    - (3) established for charitable purposes; or

(4) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management

- “well-being” means a condition of contentedness, healthiness and happiness. Anything that could be said to affect a person’s quality of life, either positively or negatively, is likely to affect their well-being. It is not restricted to matters affecting a person’s financial position.
- “close association” means someone that you are in regular contact with over a period of time who is more than an acquaintance or colleague. It may be a friend, a business associate or someone you know through general social contacts. It is someone who a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects them.
- “member of your family” means partner, i.e. someone you are married to, your civil partner, or someone you live with in a similar capacity, a parent, a parent-in-law, a son or daughter, a stepson or stepdaughter, the child of a partner, a brother or sister, a brother or sister of your partner, a grandparent, a grandchild, an uncle or aunt, a nephew or niece, and the partners of any of these people.

## DISCLOSABLE PECUNIARY INTERESTS

This note explains the requirements of the Localism Act 2011 (Ss 29-34) in relation to disclosable pecuniary interests.

These provisions are enforced by criminal sanction.

They come into force on 1 July.

**1 Notification of disclosable pecuniary interests**

Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

<i>Interest</i>	<i>Description</i>
Employment, office, trade, profession or vocation	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 Council ) 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.
Contract	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 M's knowledge) –  (a) the landlord is the Council; and (b) the tenant is 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 Council; and (b) either –  <div style="margin-left: 40px;">           (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.         </div>

These descriptions on interests are subject to the following definitions;

“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” includes 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 the person M referred to in section 30 of the Act;

“member” includes a co-opted member;

“relevant authority” means the Council 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) of the Act;

“relevant person” in relation to disclosable pecuniary interests means M or M's spouse or civil partner or a person with whom M is living as husband and wife or a person with whom M is living as if they were civil partners;

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.

## 2 Dispensations

The Council or Clerk may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

## 3 Offences

It is a criminal offence to

- Fail to notify the 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 the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- ~~As a Cabinet/Executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.~~
- Knowingly or recklessly providing information that is false or misleading in notifying the 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 councillor for up to 5 years.

## Guidance on Bias and Predetermination

(1) Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you may participate in a decision on the issue in your political role as a member. However, 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.

(2) When making a decision, consider the matter with an open mind and on the facts made available to the meeting at which the decision is to be taken.

~~(3) In relation to any business before an overview and scrutiny committee of the Council (or of a sub-committee of such a committee) where—~~

~~a. that business relates to a decision made (whether implemented or not) or action taken by your Council's Cabinet/Executive or another of your Council's committees, sub-committees, joint committees or joint sub-committees; and~~

~~b. at the time the decision was made or action was taken, you were a member of the Cabinet/Executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph a) and you were present when that decision was made or action was taken;~~

~~— or~~

~~e. that business relates to a decision made (whether implemented or not) or action taken by you (whether by virtue of the Council's constitution or under delegated authority from the Leader);~~

~~you may attend a meeting of the overview and scrutiny committee or sub-committee of the Council but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.~~

.....PARISH COUNCIL

**CODE OF CONDUCT FOR MEMBERS**

*(Based on District Model)*

**As adopted at the Meeting held on th July 2012.**

.....**PARISH COUNCIL**

**MEMBERS' CODE OF CONDUCT**

*(NALC Based)*

As adopted at the Meeting held on    th July 2012.

This Code is based on the Model supplied by the National Association of Local Councils and the Somerset Association of Local Councils.

Text in strikethrough font is retained for comparison with the codes adopted by the principal authorities, and to retain consistent numbering of paragraphs, but is not applicable to this Parish Council.

Text in Bold is required by statute.

Some further guidance may be found in the Standing Orders adopted by the Council.

Clerk to the Parish Council:

Contact Address:

.....PARISH COUNCIL

MEMBERS' CODE OF CONDUCT Adopted th July 2012.

**Introduction**

Pursuant to section 27 of the Localism Act 2011, .....Parish/Town/Village/Community/Neighbourhood Council ('the Council') has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council including the business of the office to which they were elected or appointed or when they claim to act or give the impression of acting as a representative of the Council.

**This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership set out in Appendix C.**

**Definitions**

For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

**Member obligations**

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.

1. He/she shall behave in such a way that a reasonable person would regard as respectful.
2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
3. He/she shall not seek to improperly confer an advantage or disadvantage on any person.
4. He/she shall use the resources of the Council in accordance with its requirements.
5. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.

**Registration of interests**

6. **Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register all interests which fall within the categories set out in Appendices A and B.**
7. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register any interests in Appendices A (Disclosable Pecuniary Interests) and B (Other Interests).
8. **A member shall register any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.**
9. **A member need only declare on the public register of interests the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.**

### Declaration of interests

10. **Where a matter arises at a meeting which relates to an interest in Appendix A (disclosable pecuniary interest) the member shall not participate in a discussion or vote on the matter.** He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it.
11. **Where a matter arises at a meeting which relates to an interest in Appendix A (disclosable pecuniary interest) which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.**
12. Where a matter arises at a meeting which relates to an interest in Appendix B (other interests), the member shall withdraw from the meeting. He/she may speak on the matter before withdrawing only if members of the public are also allowed to speak at the meeting.
13. A member only has to declare his/her interest in Appendix B (other interests) if it is not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter before withdrawing. If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.
14. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate, the member shall disclose the nature of the interest and withdraw from the meeting. He/she may speak on the matter before withdrawing only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

### Dispensations

15. On a written request made to the Council's proper officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he/she has an interest in Appendices A (disclosable pecuniary interest) and B (other interests) if the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.

## Appendix A – Disclosable Pecuniary Interest

A ‘disclosable pecuniary interest’ is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

<i>Interest</i>	<b>Description</b>
Employment, office, trade, profession or vocation	An 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 Council ) 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>
Contract	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Council –</p> <p>(a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.</p>
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	<p>Any tenancy where (to M’s knowledge) –</p> <p>(a) the landlord is the Council; and (b) the tenant is 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 Council; 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>



These descriptions on interests are subject to the following definitions;

“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” includes 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 the person M referred to in section 30 of the Act;

“member” includes a co-opted member;

“relevant authority” means the Council 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) of the Act;

“relevant person” in relation to disclosable pecuniary interests means M or M’s spouse or civil partner or a person with whom M is living as husband and wife or a person with whom M is living as if they were civil partners;

“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.

## Appendix B – Other Interests

[Unless they are interests prescribed by regulation for inclusion in Appendix A] any interest which relates to or is likely to affect;

- (i) any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- (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)of which the member of the Council is a member or in a position of general control or management;
- (iii) any employment or business carried on by the member;
- (iv) any person or body who employs or has appointed the member;
- (v) any person or body, other than the Council, who has made a payment to the member in respect of his/her election or any expenses incurred by him/her in carrying out his/her duties;
- (vi) any person or body who has a place of business or land in the Council's area, and in whom the member has a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- (vii) any contract for goods, services or works made between the member's Council and the member or a firm in which he/she is a partner, a company of which he /she is a remunerated director, or a person or body of the description specified in paragraph (vi);
- (viii) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.
- (ix) any land in the Council's area in which the member has a beneficial interest;
- (x) any land where the landlord is the Council and the member is, or a firm in which the member is a partner, a company of which the member is a remunerated director, or a person or body of the description specified in paragraph (vi), is the tenant;
- (xi) any land in the Council's area for which the member has a licence (alone or jointly with others) to occupy for 28 days or longer.

## Appendix C

### 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.

.....PARISH COUNCIL

**MEMBERS' CODE OF CONDUCT**

*(NALC Based)*

As adopted .th July 2012

Action Plan – 31 July 2012

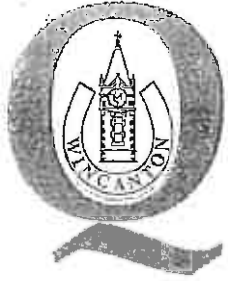
No.	Priority	Date Raised	Subject	Action	Milestones	Review/Action	Sponsor
<b>A – Cemetery</b>							
1	13	20/10/09	Lower cemetery wall	Long term plan to be developed for the maintenance of the lower wall	Open Spaces to be advised of relevant parts of covenant.	Dec 2012	Goodall
2	7		Lower cemetery wall	Reduction of pressure on cemetery lower wall. Lower wall, spoil excavated and removed. Planning for replacement and discussions with Callisters ongoing.	Plan for replacement of wall being refined	Sept 2012	Goodall
3	11	30/10/07 Revisited 16/09/08	Creation of new path in Cemetery	To explore possible areas for paths and various surfaces.	In abeyance awaiting other cemetery actions.	Review Dec 2012	Goodall/Whaites
4	12	5/7/11	Cemetery Lodge Crack	There is a crack in the north wall of the cemetery lodge around a window	Crack being monitored. No movement apparent	Sept 2012	Goodall
<b>B – Recreation Areas</b>							
5	1	20/4/10 Revisited 24/5/11	Skate Park	New Skate Park to be produced.	Skate Park being built.	Sept 2012	Goodall
6	10	7/6/11	Additional land for recreational space.	Chair of Open Spaces looking to provide recreational master plan.	Discussion at today's meeting	Dec 2012	Goodall
7	8	7/5/11	Hammerhead land	Acquire the Hammerhead land with the intention of converting it into a park area.	a. After 6 years this action to be brought to a conclusion or deleted	?????????	Shepherd
8	5	21/04/09 Revisited	Herne Hill leaflet	Production of a leaflet on Herne Hill to be provided to the TIC (and local schools?)	Leaflet drafted. Printing quotes obtained,	Sept 2012	Lawson

		26/01/10 Revisited 20/06/11				sourcing finance. £140 grant agreed by Ilminster Forum			
9	15	13/10/09	New Management Plan for Herne Hill	The last management plan for Herne Hill was produced in 1995. Much has changed since then and a new management plan would be desirable.	SWT to be contacted reference assistance in producing a management plan.		Sept 2012	Goodall	
10	16	05/04/11	<i>Bye Laws – omission to be rectified</i>	<i>Submitted to Home Office for approval</i>	<i>Email received March 16<sup>th</sup>, application under active review. Needs chasing</i>		Sept 2012	Miller	
11	4	6/9/11	Canal Banks	To bring canal back to full working order following the advice of Mr. Sothern. Starting with cutting back trees and undergrowth, then dredging a section and shoring up with cement bags.	Clrs Swann to advise on further steps if any		Review Oct 2012	Swann	
<b>C – Town enhancements</b>									
12	14	24/5/11	Riec sur Belon roundabouts	ITC were advised by SSDC that while there would be initial costs in the region of £1,000 to £1,500, it should then be possible to maintain attractive floral displays on the 2 roundabouts either end of Riec sur Balon Way paid for by commercial advertising. Council agreed to go ahead with one roundabout.	Licence required from County. Response awaited from SSDC. Cllr Goodall spoken with Streetscene. Meeting with officer to take the matter forward		Sept 2012	Goodall	
<b>D – Vision</b>									
13	3	07/10/08 Revisited 17/5/11	Strategic Vision	To take the existing parts of the previous Strategic Vision revise it and complete it in a form which can easily morph into a Neighbourhood Plan.	It is understood that it is vital to complete this before March 2013			Goodall/Maylor	

14	9	4.10.11	Football Club Facilities	Football club to build new facilities on Britten's field.	Feedback from Football club required in respect of whether they have the funding necessary to proceed on Britten's field.	September 2012	Goodall
15	22	05/01/10 Revisited 29/06/10	Silver Street Car Park	Investigate the feasibility of the creation of a car park to the rear of the building on the south side of Silver Street.	Awaits completion of Action 15	Dependent on Action 15	Miller
<b>E - Office</b>							
16	6	17/04/12	Website review	Council not to renew the website contract and as an interim measure use temporary web pages and facebook.	Decision needed as to whether we terminate current supplier forthwith.	July 2012	Lawson
17	20	17/04/12	Council meeting paperwork	To be reviewed at first F&P after use for 6 months		Oct 2012	Miller
<b>E - Personnel (Wardens and Office Staff)</b>							
18	2	13/7/10 Revisited 22/04/11	Appeal Committee	Creation of procedures to be put in place should there be a complaint about the Council or Councillor(s)	SALC draft to be procured when available. Clerk to contact Peter Lacey	Sept 2012	Goodall
<b>F- Highways/Pavements Paths</b>							
19	19	25/01/11		Grit Provision	Once highways depot is up and running investigate whether it would be possible to acquire grit from it.		Miller
20	17	09/12/09 Revisited 08/03/11	Station Road Parking	Redefine parking areas on the north side of Station Road and west of Brake's garage.	Awaiting painting of new lines	Apr 2012	Miller

21	18	29/03/11	Canal Way Parking	Additional yellow lining required on visibility splay at Canal Way/Greendale. Meeting took place 17.1.12	Awaiting promulgation by Highways and painting of new line. Due April	Swann
<b>G – Miscellaneous</b>						
22	21	19/05/09	Adoption of Lower Meadow, Canal Way Development		No target date yet from Persimmons for completion	Miller





**QUALITY  
TOWN  
COUNCIL**

## WINCANTON TOWN COUNCIL

Town Hall  
Market Place  
Wincanton  
Somerset  
BA9 9LD  
Tel: 01963 31693

Town Clerk: Ms Sam Atherton  
Deputy Town Clerk: Mrs Muriel Cairns  
Email: [wincantontownclerk@hotmail.co.uk](mailto:wincantontownclerk@hotmail.co.uk)

3<sup>rd</sup> July 2012

Dear Clerk,

I am writing on behalf of Wincanton Town Council regarding Section 106 agreements for developments within Market Towns.

Wincanton Town Council believe any monies given to South Somerset District Council under Section 106 agreements for new developments, should stay in the Town and not be used elsewhere.

Therefore Council would like to hear other Town Council views on this subject and whether your Council would be interested in joining Wincanton Town Council in seeking clarification of where these contributions will be spent.

Yours sincerely

Ms Sam Atherton  
**Wincanton Town Clerk**

