

Shaftesbury Town Council

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To: All members of Shaftesbury Town Council

You are hereby summoned to attend an **extraordinary Meeting** of Shaftesbury Town Council called by the Mayor, Cllr Winifred Harvey to be held on **Thursday 13th November 2014 in the Council Chamber, Shaftesbury Town Hall commencing at 6.00pm** for the transaction of the business shown on the agenda below.

Richard Chapman

Interim Town Clerk

Members are reminded of their duty under the code of conduct

Public Participation

The Chairman will invite members of the public to present their questions, statements or petitions submitted under the Council's Public Participation Procedure.

Members of the public and council are entitled to make audio or visual recordings of the meeting provided it does not cause disruption or impede the transaction of business. Out of courtesy to those present, Council requests that intention to record proceedings is brought to the chairman's attention prior to the start of the meeting.

Agenda Item	
1.	Apologies for Absence To receive apologies for absence and consider reasons for non-attendance
2.	Declarations of Interest To receive declarations of any pecuniary interests
3.	Member's Questions Submission by Cllr Madgwick 1114/FC/03 to follow
4.	Councillor Conduct <ul style="list-style-type: none">a. Confidential Materialb. Councillor Press Release Protocol. Comments to the mediac. Social Networking





**A Report from the Town Clerk to
An Extraordinary Meeting of Shaftesbury Town Council.
To be held on Thursday 13th November 2014
In the Council Chamber, Town Hall, Shaftesbury at 6.00 pm**

MEMBERS' QUESTIONS: DEVELOPMENT CONSULTATION

Minute reference 2014/95

Please see below, questions to Council from Councillor Mike Madgwick.

QUESTION

1. Can it be confirmed if as yet the proposed legal advice has been sought?
2. Which councillors were at any meetings?
3. What were the criteria for selecting these attendees?
4. Why as the councillor who raised the motion have I been excluded from any meeting?
5. Will we be agreeing as a council what we collectively wish to ask in terms of legal advice?
6. Have any councillors attended any meeting that may have a potential conflict of interest?

Councillor Mike Madgwick

7th November 2014

ANSWER

1. *The Council has sought legal advice*
2. *A meeting has been held with a Barrister attended by Cllrs R Tippins, Proctor and Lewer*
3. *The Council has not yet set any criteria for selection*
4. *The Council has not yet formally agreed who will be in the working party dealing with the legal issues concerning the A350 bypass, the solar farm and the development North East of Shaftesbury*
5. *The Town Clerk has written to the barrister regarding basic terms of legal advice being sought*
6. *There is no conflict of interest providing the Council does not engage any company in which a Councillor is a partner or an employee*

End.
Richard Chapman
Town Clerk



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COUNCILLOR CONDUCT

1. PURPOSE OF REPORT

- 1.1. To note the points in the background below.

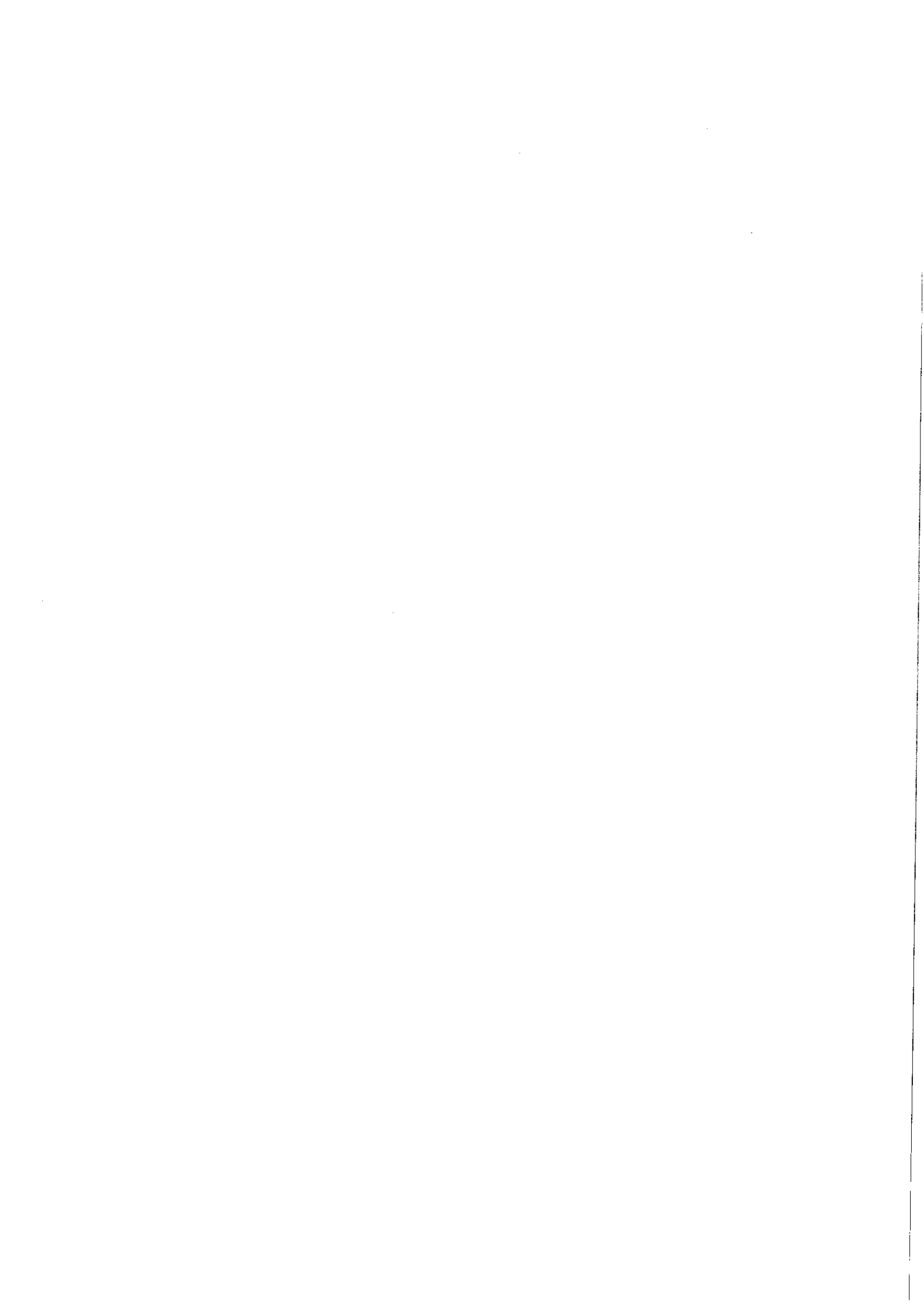
2. RECOMMENDATION

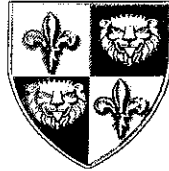
- 2.1. The Council notes this report.

3. BACKGROUND

- 3.1. Shaftesbury Town Council members are subject to the Code of Conduct which the Council as a whole has resolved on 28th June 2012 to adopt. Members are reminded of their duties under the code. The code of conduct is reproduced at Appendix A to this report.
- 3.2. The Council's constitution explains that any communications with the press need to be undertaken in a professional and objective manner this includes descriptions of objections and policies and that any information that is released is factually correct. Members should comply with the rights and duties of elected members as per page 19 of the council's constitution.
- 3.3. Comments to the press and statements on social media about council policies and decisions should be made through the Clerk's office. This is to allow the Town clerk to confirm that the statements are correct and appertaining to Council policy
- 3.4. Members will be aware of the need for confidentiality with regards to personnel issues and commercially confidential matters. This relates to contracts and leases that the Council from time to time may be negotiating. Members will be aware that individual Councillors may not speak on behalf of the council unless given specific delectations by Council especially with regards to matters of a legal or prejudicial basis.
- 3.5. There are occasions when it would be inappropriate for the council to make comment e.g. when a legal action is pending or where an issue relates to the personal affairs of an individual or where there is a need to respect the privacy of a complainant of someone being complained about.
- 3.6. Members making personal releases must clearly state that they express their personal views and not those of the Council. It would be beneficial for copies of intended releases to be provided to the Clerk's office.

End.
Richard Chapman
Town Clerk





Shaftesbury Town Council

Code of Conduct (adopted by resolution on 28 June 2012)

(based on the NALC Model Issued under Legal Briefing 08-12 dated May 2012)

Introduction

Pursuant to section 27 of the Localism Act 2011, Shaftesbury Town 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.

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 Appendix A.
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 Appendix A.
8. A member shall register any change to interests or new interests in Appendix A 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

9. Where a matter arises at a meeting which relates to an interest in Appendix A 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.
10. Where a matter arises at a meeting which relates to an interest in Appendix A 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.
11. 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

12. 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 Appendix A 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**SPECIFIED PECUNIARY INTERESTS**

Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried out for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by 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(a).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (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 relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

EXPLANATORY NOTE:

NALC's template code of conduct for parish councils

As explained in paragraph 13 of LTN 80 – ‘Members’ conduct and the registration and disclosure of their interests (England)’, NALC has produced a template code of conduct for parish councils because:

- it does not recommend that parish councils adopt the LGA’s template code of conduct and
- parish councils may not want to draft their own or adopt their principal authority’s code of conduct.

Unlike the LGA’s template code of conduct, the attached NALC template code of conduct has the following features:

1. It uses concise and clear language to define members’ obligations in respect of their conduct.
2. It incorporates members’ mandatory obligations in respect of disclosable pecuniary interests. These are yet to be defined by regulations which are expected to be made before 1 July 2012 and will be inserted in Appendix A of the NALC template.
3. It sets out other pecuniary interests and non pecuniary interests in Appendix B of the NALC template about which members have obligations with regard to registration, disclosure, and speaking at meetings.
4. It describes the circumstances in which a parish council may grant a dispensation for members to participate and vote on a matter at a meeting.
5. It accommodates variations to be made to it except in relation to members’ mandatory obligations about disclosable pecuniary interests in Appendix A. Substantive amendments to the NALC template code of conduct are not recommended because it establishes (i) the minimum standards for members’ conduct which are consistent with the Nolan principles of conduct in public life and (ii) a proportionate range of pecuniary and non pecuniary interests which members are subject to.

It is likely that some of the interests presently included in Appendix B of the NALC template will constitute disclosable pecuniary interests, prescribed by regulation, and that any such interests will need to be included in Appendix A. NALC will publish the final version of its template code of conduct after regulations which define disclosable pecuniary interests have been made.