CODE OF CONDUCT FOR COUNCILLORS AND CO-OPTED MEMBERS

1. Introduction and Interpretation

1.1 This Code came into effect on *(Date it was adopted)* and applies to you only when acting in your capacity either as a Councillor or Co-opted (voting) Member of the Council or its Committees and Sub-committees.

1.2 The Nolan Principles

It is your responsibility to comply with the provisions of this Code which will assist the Council in meeting its statutory obligation to promote and maintain high standards of conduct by its Councillors and Co-opted Members in accordance with the following principles:

- **Selflessness.** Holders of public office should act solely in terms of the public interest.

- **Integrity.** Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.

- **Objectivity.** Holders of public office must act and take decisions impartially fairly and on merit using the best evidence and without discrimination or bias.

- **Accountability.** Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

- **Openness.** Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

- **Honesty.** Holders of public office should be truthful.

- **Leadership.** Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

2. DPIs

2.1 In this Code:-

A "disclosable pecuniary interest" is an interest within the prescribed descriptions set out below that you have personally, or is an interest of your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you were civil partners, and you are aware that that other person has the interest:

Subject	*Prescribed description*
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by 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.
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.

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 a Member of a relevant authority;

“Member” includes a Co-opted Member;

“relevant authority” means the authority 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) or section 31 (7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

“meeting” means any meeting of:-

(a) the Council;

(b) the Executive of the Council;

(c) any of the Council’s or its Executive’s Committees, Sub-committees, joint committees, joint Sub-committees or area committees, including any site visit authorised by the Council, the Executive or any of the aforementioned Committees.

2.2 This Code does not cover matters in respect of which the Localism Act 2011 specifically provides that criminal sanctions will apply.

2.3 A failure of a Councillor or Co-opted Member to comply with this Code is not to be dealt with otherwise than in accordance with arrangements approved by the Council under which allegations of such failure can be investigated and decisions on such allegations can be made. In particular, a decision is not invalidated just because something that occurred in the process of making the decision involved a failure by a Councillor or Co-opted Member to comply with the Code.

3. General Obligations

3.1 You must treat others with respect.

3.2 You must not:-

(a) do anything which may cause the Council to breach any of the equality enactments;

(b) bully or harass any person;

"bully" (and bullying) may be characterised as:

- offensive, intimidating, malicious or insulting behaviour; or
- an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone.

"harass" (and harassment) may be characterised as: unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

(c) intimidate or attempt to intimidate any person who is or is likely to be:-

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a Councillor or Co-opted Member (including yourself) has failed to comply with this code of conduct; or

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

3.3 You must not:-

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

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

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

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

(iv) the disclosure is:-

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the Council; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

3.4 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute, or in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by Councillors and Co-opted Members.

3.5 You:-

(a) must not use or attempt to use your position as a Councillor or Co-opted Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the Council's resources:-

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

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

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

3.6 When reaching decisions on any matter you must have regard to any relevant advice provided to you by the Council's Responsible Officer where that Officer is acting pursuant to their statutory duties.

3.7 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

4. Predetermination

4.1 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 should not be prohibited from participating in a decision in your political role as a Councillor.

4.2 However you should not place yourself under any financial or other obligation to outside organisations that might seek to influence you in the performance of your official duties.

4.3 When making decisions you must consider the matter with an open mind and on the facts before the meeting at which the decision is to be made.

4.4 If a Councillor considers that they could be biased or they have predetermined their position to a decision, he or she should disclose this and should not take part in the decision making process whenever it becomes apparent that the matter is being considered.

5. Registration

5.1 The Monitoring Officer of Mid Devon District Council must, by law, establish and maintain a register of interests, open for inspection by the public at the Council's offices and publicly accessible on our website:

https://democracy.middevon.gov.uk/mgMemberIndex.aspx?bcr=1

5.2 You must, before the end of 28 days beginning with the day on which you became a Councillor or Co-opted Member of the Council, notify the Monitoring Officer of any disclosable pecuniary interests which you have at the time when the notification is given. You should be aware that these interests include those of your 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 they were a civil partner so far as you are aware of the interests of that person. These interests will then be entered on the register of interests.

5.3 Where you become a Councillor or Co-opted Member of the Council as a result of re-election or re-appointment, paragraph 5.2 applies only as regards disclosable pecuniary interests not entered in the register when the notification is given.

6. Participation with a DPI

6.1 Subject to paragraphs 8.1 to 8.4 (*dispensations),* if you are present at any meeting and you are aware that you have a disclosable pecuniary interest in any matter that will be, or is being, considered at that meeting, you must, irrespective of whether that interest has been registered:

(a) disclose the nature of the interest to the meeting (or, if it is a sensitive interest as described in paragraph 9 below, disclose merely the fact that it is a disclosable pecuniary interest);

(b) not participate in any discussion or vote regarding that matter; and

(c) withdraw immediately from the room or chamber (including the public gallery) where the meeting considering that matter is being held.

Where you have not previously notified the Monitoring Officer at Mid Devon District Council of that disclosable pecuniary interest you must do so within 28 days of the date of the meeting at which it became apparent.

6.2 Subject to paragraphs 8.1 to 8.4 (*dispensations),* if you are aware that you have a disclosable pecuniary interest in any matter on which either:

(a) you are authorised to make decisions, or

(b) you are consulted by an Officer discharging powers delegated to them,

you must not, in relation to (a) above, take any decision on that matter or, in relation to (b) above, participate in any consultation with such Officer in respect of that matter.

Where you have not previously notified the Proper Officer of that disclosable pecuniary interest you must do so within 28 days of the date on which it became apparent.

6.3 You may participate in any business of the Council where that business relates to the Council's functions in respect of:-

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

(b) 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;

(c) 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;

(d) an allowance, payment or indemnity given to Councillors or Co-opted Members

(e) any ceremonial honour given to Councillors; and

(f) setting Council Tax or a precept under the Local Government Finance Act 1992.

7. Gifts and Hospitality

7.1 As a Councillor or Co-opted Member of the Council you must avoid accepting any gift, hospitality or other favour which could give the impression of compromising your integrity, honesty or objectivity. In particular, you

(a) should avoid any behaviour which might reasonably be seen as motivated by personal gain;

(b) should exercise caution in accepting any gifts or hospitality which are (or which you might reasonably believe to be) offered to you because you are a Councillor or Co-opted Member;

(c) should never accept significant gifts or hospitality (i.e. anything with a value of *£(value)* or more) from suppliers or contractors seeking to acquire or develop business with the Council; and

(d) must, within 28 days of receipt or acceptance, notify the Proper Officer of any gift you receive or hospitality you accept (of a value of *£(Value)* or more).

8. Dispensations

8.1 A Councillor or Co-opted Member with a disclosable pecuniary interest in a matter may submit a written request to the Proper Officer for the grant of a dispensation allowing that Councillor or Co-opted Member to participate in any discussion and/or vote on that matter at a meeting.

8.2 The Proper Officer may, after having had regard to all relevant circumstances, grant a dispensation to the Councillor or Co-opted Member only if, he considers that without the dispensation:

(a) the number of persons prohibited from participating in any particular business in relation to the matter would be so great a proportion of the body transacting the business as to impede the transaction of that business.

8.3 The Standards Committee of Mid Devon District Council may, after having had regard to all relevant circumstances, grant a dispensation to the Councillor or Co-opted Member only if, the Committee considers that:

(a) without the dispensation the representation of different political groups on the body transacting the particular business would be so upset as to alter the likely outcome of any vote relating to that business, or

(b) granting the dispensation is in the interests of persons living in the District, or

(c) it is otherwise appropriate to grant the dispensation.

8.4 Any dispensation granted must specify the period for which it has effect, and the period specified may not exceed four years.

9. Sensitive Information

9.1 Paragraphs 9.2 and 9.3 apply where:

(a) a Councillor or Co-opted Member of the Council has an interest (whether or not a disclosable pecuniary interest), and

(b) the nature of the interest is such that the Councillor or Co-opted Member, and the Monitoring Officer, consider that disclosure of the details of the interest could lead to the Councillor or Co-opted Member, or a person connected with that Councillor or Co-opted Member, being subject to violence or intimidation.

9.2 If the interest is entered in the register of interests, copies of the register that are made available for inspection, and any version of the register published on the Council's website, must not include details of the interest (but may state that the Councillor or Co-opted Member has an interest the details of which are withheld under this provision of the Code).

9.3 Where a disclosable pecuniary interest is not entered on the register of interests and would otherwise require disclosure at a meeting, the Councillor or Co-opted Member shall be entitled to merely disclose at the meeting the fact that they have such an interest in the matter concerned.

10. Removal of entries in the register

10.1 An entry in the register of interests will be removed once the person concerned:

(a) no longer has the interest, or

(b) is (otherwise than transitorily on re-election or re-appointment) neither a Councillor nor a Co-opted Member of the Council.