

# PART 5 – Chapter 1

## Code of Conduct for Members

### Introduction

This Code of Conduct applies to you as an elected or non-elected Member of Torridge District Council and it is your responsibility to understand this Code and to comply with its provisions.

The Code is made up of three distinct parts; the Principles, the General Provisions and Interests. Although the General Provisions and Interests give details of specific requirements that must be met, you should realise and understand that conduct that is not referred to or covered by the General Provisions or Interests may still constitute a breach of the Principles and therefore may be a breach of this Code of Conduct.

### Scope

You must comply with this Code whenever you conduct the business of the Council (which in this Code includes the business of the office to which you are elected or appointed) or you act, claim to act or give the impression you are acting as a representative of the Council, and references to your official capacity are to be construed accordingly.

Where you act as a representative of the Council on any other body, you must, when acting for that other body, comply with this Code of Conduct except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

### Interpretation

“the Council”	Torridge District Council
“director”	Includes a member of the committee of management of an industrial and provident society
“family”	Includes a Member’s parent, parent in law, a son or daughter, a son in law or daughter in law, 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
“close associate”	Someone who you are in either regular or irregular contact with over a period of time who is more than just an acquaintance and who is someone a reasonable member of the public might think you would be prepared to favour or disadvantage.
“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 an income

“Member”	An elected or non-elected Member of the Council including an Independent Person appointed to assist in the ethics and standards functions of the Council
“meeting”	Any meeting of the Council, any of its Committees or sub-Committees, Joint Committees or Joint sub-Committees and any meeting of any Area Advisory Committee.
“Monitoring Officer”	The officer of Torridge District Council appointed under s 5 Local Government and Housing Act 1989
“relevant authority”	Means an authority defined by s27(6) of the Localism Act 2011
“relevant period”	Means the period of 12 months ending with the day on which you provide notification of your interests under article 17 of this Code.
“relevant person”	Means you or 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 you 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.
“sensitive interest”	An interest of such a nature that if information concerning the interest were to be available publicly you or a person connected with you could be subjected to violence or intimidation.
“Register of Interests”	The register containing the interests of Members required under s29 Localism Act 2011

## **Purpose**

As elected Members and non-elected Members of the Council you have a responsibility to represent the community and work constructively with the staff and partner organisations to secure better social, economic and environmental outcomes for all.

The purpose of this Code of Conduct is to promote high standards of behaviour amongst the elected and non-elected Members of the Council and to demonstrate to the public that the

Council is committed to maintaining those high standards and to representing the community in every way that it can.

The public and others working for or with the Council should have confidence in the integrity and capability of you as elected and non-elected Members of the Council and this Code seeks to ensure that such confidence is maintained.

### **Principles of Public Life**

For the reasons set out above, the Code of Conduct is underpinned by the following Principles of Public Life which should be borne in mind when interpreting the meaning of the Code:-

#### **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.

### **Disclosure and Barring Service Checks**

Councillors are expected and encouraged to undertake Disclosure and Barring Service (DBS) checks and a record of those undertaken will be published on our website. This is intended to

increase public confidence in their elected Members, and gives the Council an opportunity to put measures in place to mitigate any risk arising from previous conduct, if necessary.

### **General Provisions**

1. You must treat others with respect, including members of the public, officers of the Council and any other person with whom you come into contact;
2. You must not bully or intimidate or attempt to bully or intimidate any person;
3. You must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council;
4. You must not do anything or act in any way which could reasonably be regarded as bringing either your office of Member or the Council into disrepute.
5. (i) You must not disclose information given to you in confidence by anyone, or information acquired by you or provided to you by the Council which you believe, or ought reasonably to believe, is of a confidential nature or is capable of being treated as confidential;  
  
(ii) For the avoidance of doubt, information covered by and dealt with by schedule 12A of the Local Government Act 1972 (Part 2 information) is included within 5(i) above;  
  
(iii) Exceptions to the requirement in 5 (i) above may arise where you have consent to disclose the information given to you by someone authorised to do so, where you are required by the law to disclose the information, where the disclosure is to a third party for the purpose of obtaining professional advice and the third party agrees not to disclose the information to any other person or where the disclosure is reasonable and in the public interest and made in good faith and in accordance with the requirements of the Council;
6. You must not do anything which may lead the Council to be in breach of any legislation or act in a way which is otherwise unlawful;
7. You must have regard to any relevant advice provided to you by the Council's officers and other external bodies or officers;
8. You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;
9. In taking decisions you must exercise independent judgement, taking into account all relevant considerations and views, and you must give reasons for your decisions in an open and transparent manner;
10. You must not use the resources of the Council for purposes which conflict with the Council's requirements or for political or personal purposes;
11. You must treat everyone equally, impartially and fairly and represent the residents of the whole of the Council area, not just the Ward to which you were elected.

## **Interests**

### **Disclosable Pecuniary Interests**

12. You have a Disclosable Pecuniary Interest if it is of a description specified in Regulation 13 hereof, and either:-

- (i) it is an interest of yours, or
- (ii) it is an interest 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 you were civil partners.

13. A Disclosable Pecuniary Interest is an interest in any of the following matters:-

<b>Interest</b>	<b>Prescribed Description</b>
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 Council) made or provided within the Relevant Period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses, including 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 Council under which goods or services are to be provided or works are to be executed and which has not yet 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 your knowledge) the landlord is the Council and the tenant is a body in which a Relevant Person has a beneficial interest, including a firm in which the relevant Person is a partner or a body corporate in which the relevant person is a director, or in the securities of which the Relevant Person has a beneficial interest.

Securities	<p>Any beneficial interest in securities of a body where:-</p> <p>(a) that body, to your 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>
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14. For the purposes of 12(ii) above you will only be deemed to have a Disclosable Pecuniary Interest if you are aware that the other person referred to in 12(ii) above has that interest.

### **Registerable Interests**

15. You have a Registerable Interest if it is of a description set out in paragraph 16 of this Code and either:-

- (i) it is an interest of yours, or
- (ii) it is an interest 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 you were civil partners.

16. The following shall be Registerable Interests:-

- (i) membership of any body to which you have been appointed or nominated by the Council,
- (ii) membership of the County Council or a Parish or Town Council within the District,
- (iii) membership of any body exercising functions of a public nature, which is directed to charitable purposes or whose principal purpose includes the influence of public opinion,
- (iv) the name and the interests of any person or body from whom you have receive a gift or hospitality with an estimated value of at least £25.00,

### **Prejudicial Interests**

17. Notwithstanding the content of paragraphs 13 and 16 above, you will have a prejudicial interest in a matter where:-

- (i) a decision on that matter would affect the well being or financial position of any relevant person, member of your family or close associate more than it would affect the majority of people living within the ward or electoral division affected by the decision and

- (ii) a reasonable member of the public with knowledge of the relevant facts would reasonably think that your interest was so significant that it is likely to prejudice your judgement of the public interest..
- 18. Subject to paragraph 23 below, you must within 28 days of this Code being adopted by the Council, or your election or appointment (where that is later), notify the The Head of Legal and Governance and Monitoring Officer in writing of any Disclosable Pecuniary Interests and any Registerable Interests that you have at that time.
- 19. Subject to paragraph 23 below, you must within 28 days of becoming aware of any new Disclosable Pecuniary Interest or Registerable Interest, or any change to any such interest already registered, register details of that new interest or that change in writing to the Monitoring Officer.
- 20. If you attend a meeting of the Council and have and are aware that the business being conducted at that meeting affects a Disclosable Pecuniary Interest or a Registerable Interest or is such that you would have a Prejudicial Interest in the business:-
  - (i) you must, subject to paragraph 23 below, disclose to the meeting that you have a Disclosable Pecuniary Interest, a Registerable Interest or Prejudicial Interest in that matter and if you have not done so already, you must also notify The Head of Legal and Governance and Monitoring Officer of the interest in writing within 28 days of the meeting,
  - (ii) subject to paragraph 21 below, unless a Dispensation has been granted, you must NOT participate, or participate further once the interest is known, in any discussion of the matter at the meeting, or participate in any vote, or further vote, taken on the matter at the meeting, and you must leave the room whilst discussion on the matter is taking place.
- 21. If your interest in a matter being discussed at a meeting of the Council is a Registerable Interest falling within paragraph 16(1) or 16(2) above you may remain in the room and participate in the discussion on the matter and may also take part in the vote taken on the matter provided the matter could not have a significant effect on the financial viability or well-being of the external organisation.
- 22. If you have delegated powers to take a decision on behalf of the Council acting alone, and you have and are aware that you have a Disclosable Pecuniary Interest, a Registerable Interest or a Prejudicial Interest in the matter dealt with or to be dealt with by you, you must not take any steps or any further steps in relation to that matter except for the purposes of enabling the matter to be dealt with other than by yourself.
- 23. Where you consider that the information relating to any of your interests is sensitive information, and The Head of Legal and Governance and Monitoring Officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest or when disclosing that interest to a meeting under paragraph 19 above.
- 24. You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 23 is no longer sensitive information, notify The Head of Legal and Governance and Monitoring Officer asking that the information be included in the Register of Members' Interests.

## **Dispensations**

25. Section 33 of the Localism Act 2011 makes provision for the granting of a dispensation allowing a Member with a Disclosable Pecuniary Interest in a matter to speak and/or vote on that matter. For the avoidance of doubt, this Code extends the provisions of section 33 to allow a Member to also seek a dispensation excusing the Member, in whole or in part, from the effect of paragraph 20 above where the Member has a Registerable or Prejudicial Interest in an item of business. Any dispensations granted will only apply to decision making bodies of the Council who granted the dispensation (for example, dispensations granted by the District Council will not apply to Parish or Town Councils and vice versa).