Woodbury Parish Council

(serving Exton, Woodbury and Woodbury Salterton)

Code of Conduct

PART 1 – GENERAL PROVISIONS

Public Duty and Private Interests: An introduction

1.1 This Code applies to you as a Member or a Co-opted Member of Woodbury Parish Council (from this point known as the Council).

1.2 You should have regard to the **Principles of Public Life** (including the 7 Nolan Principles) namely, (Appendix A)

Selflessness,	Honesty/Integrity,	Objectivity,
Accountability,	Openness,	Personal judgment,
Stewardship and Leadership,	Duty to uphold the law,	Respect for others.

1.3 When acting in your capacity as a Member or Co-opted Member of the Council you will not bring the Council in to disrepute or use your position improperly:

(a) you must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate;

(b) you must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties;

(c) when carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit;

(d) you are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office;

(e) you must be as open as possible about your decisions and actions and the decisions and actions of the Council and should be prepared to give reasons for those decisions and actions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council or contained in its Constitution;

(f) you must declare any private interests, whether disclosable or personal, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out at Part 2 of this Code;

(g) you must, when using or authorising the use by others of the resources of the Council, ensure that such resources are not used improperly for political purposes (including party political purposes) and that any use is in accordance with the Council's reasonable requirements;

(h) you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 or any similar Communications Protocol or Code produced by the Council;

(i) you must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

1.4 Whilst you may be strongly influenced by the views of others, it is your responsibility alone to decide what view to take on any question which Members have to decide.

1.5 Do nothing as a Member which you could not justify to the public.

1.6 The reputation of the Council depends on your conduct and what the public believes about your conduct.

1.7 It is not enough to avoid actual impropriety, you should at all times avoid any occasion for suspicion or appearance of improper conduct.

1.8 It is your responsibility to comply with the provisions of this Code.

Definitions

2. In this Code:

"interest or interests" have the meanings set out in Part 2 of this Code

"meeting" means any meeting of:

- the Council
- any of the Council's Committees, Sub-Committees, Working Groups or Project Groups
- one or more Members, formal or informal and with or without officers, relating to the discharge of the Council's functions where a formal record is made by a Council officer

"member" includes a co-opted member

"relevant person" means:

- you; or

• your spouse or civil partner; or

• a person with whom you are living as husband and wife or as if they were civil partners and you are aware that that other person has an interest.

"relevant period" means a period of 12 months ending with the date on which you notified the Clerk of an interest.

Scope

3. You must comply with this Code whenever you are acting in your official capacity, when:

   (a) you are engaged on the business of the Council; or

   (b) you behave so as to give a reasonable person the impression that you are acting as a representative of the Council.

General obligations

4. You must:

   (a) treat others with courtesy and respect; (including other councillors, public, Council employees, volunteers, contractors, or representatives);

   (b) as a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner, but not subject anyone, group or organisation a personal attack. You have reasonable regard to any relevant advice provided to you by an officer of the Council;

   (c) before making any written allegation to the East Devon Monitoring Officer about the conduct of another Member of this Council or a Member of the District Council or one of the Parish Councils within East Devon you shall first consult with East Devon District Council's Monitoring Officer.

5. You must not:

   (a) attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage

   (b) do anything which may cause the Council to breach a statutory duty or any of the equality enactments (as defined in section 33 of the Equality Act 2010)

(c) bully or harass any person (including other councillors, public, Council employees, volunteers, contractors, or representatives) (bullying may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse or misuse of power or authority which attempts to undermine or coerce or has the effect of undermining or coercing an individual or group of individuals by gradually eroding their confidence or capability which may cause them to suffer stress or fear);
The bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, online/social media, written or verbal communication, happen in the workplace or at work social events and not always be obvious or noticed by others.

The Equality Act 2010 defines harassment as 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'.

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

(i) a complainant; or

(ii) a witness; or

(iii) involved in the administration of any investigation or proceedings, in relation to an allegation that any Member has failed to comply with the Council's Code of Conduct

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

(f) 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:

(A) in the public interest; and

(B) made in good faith; and

(C) in compliance with the reasonable requirements of the Council

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

(h) conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office or the Council into disrepute

(i) do not misuse council resources or use any resource for political purposes. Setting up of a counillor.gov.uk for council business only. Any resources held personally will be returned to the Clerk once you cease as being a councillor.

PART 2 – INTERESTS

6. Registration of Interests

6.1 You must, within 28 days of:

(a) this Code being adopted by, or applied to, the Council; or

(b) your taking office as a Member or Co-opted Member of the Council, whichever is the later, and annually thereafter, provide written notification to the Clerk of:

(i) any disclosable pecuniary interest, as defined by Regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partners, or is the pecuniary interest of somebody with whom you are living with as a husband or wife or as if you were civil partners; and

(ii) any other personal interest laid down by the Council, as set out at paragraph 7 below which will be recorded in the Council's Register of Members' Interests and made available for public inspection including on the Council's website at www.woodburyparishcouncil.gov.uk or at www.eastdevon.gov.uk as per section 29 of the Localism Act 2011

6.2 Within 28 days of becoming aware of any new interest or change to any interest already registered, you must register details of that new interest or change by providing written notification to the Clerk.

6.3 Whether or not an interest within paragraphs 7.1 to 7.6 below has been entered onto the Council's register, you must disclose any interest to any meeting at which you are present in any matter being considered in line with para 8 below, where the matter is not a 'sensitive interest'.

6.4 Following any disclosure of an interest not on the Council's register or the subject of pending notification, you must notify the Clerk of the interest within 28 days beginning with the date of disclosure.

6.5 In relation to disclosable pecuniary interests, in this Part of the Code the expressions in the left-hand column below have the meanings attributed to them in the right-hand column:

"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"	excludes an easement, servitude, interest, or right 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
"member"	Includes a co-opted member
"relevant authority"	means the council of which you are a Member
"relevant person"	means you, your spouse or civil partner, a person with whom you are living with as husband and wife or a person with whom you are living with as if you are 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

7. The interests you must register are: **Disclosable pecuniary interests**

7.1 Those disclosable pecuniary interests defined by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012/1464) as set out below, namely:

(a) any employment, office, trade, profession or vocation carried on for profit or gain by you or a relevant person;

(b) 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 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;

c) any contract which is made between you, or so far as you are aware a relevant person (as defined at Para 2 above) (or a body in which the relevant person has a beneficial interest) and the Council:

(i) under which goods or services are to be provided or works are to be executed; and

(ii) which has not been fully discharged

(d) any beneficial interest in land held by you or so far as you are aware a relevant person which is within the administrative area of the Council;

(e) any licence (alone or jointly with others) to occupy land in the administrative area of the Council for a month or longer

(f) any tenancy where (to your knowledge):

(i) the landlord is Woodbury Parish Council; and

(ii) the tenant is a body in which you or so far as you are aware a relevant person has a beneficial interest.

(g) any beneficial interest that you, or so far as you are aware a relevant person has in securities of a body where:

(i) that body (to your knowledge) has a place of business or land in the administrative area of the Council and

(ii) either:

(A) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(B) 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.

Personal interests

7.2 Those other personal interests laid down by the Council, namely your membership of anybody to which you have been appointed by the Council or exercising functions of a public nature, directed to charitable purposes or whose principal purposes include influence of public opinion or policy, including your membership of any other local Authority, any political party or trade union.

7.3 Any land where the landlord is Woodbury Parish Council and the Member is, or a firm in which the Member is a partner or a company of which the Member is a remunerated director is the tenant.

7.4 Any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.

7.5 Any gifts or hospitality worth more than an estimated value of £25 which you have received by virtue of your office.

7.6 In addition to those interests listed at 7.1 to 7.5 above which you are required to register, you may wish also to declare membership of anybody which, in your view, might create a conflict of interest in carrying out your duties as a Councillor, such as membership of the Freemasons or any similar body.

7.7 Where the Council's Clerk agrees that any information relating to your interests is "sensitive information" namely information whose availability for inspection by the public is likely to create a serious risk that any person may be subjected to violence or intimidation, you need not include that information when registering that interest, or, as the case may be, any change to that interest.

7.8 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded is no longer sensitive information, notify the Council's Clerk asking that the information be included in the Council's Register of Members' Interests.

Declaration of Interests and participation at meetings

8. 1 Unless a 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 as defined by Regulations referred to at para 6(b)(i) and you must also observe the restrictions the Council may also place on your involvement in matters where you have a personal interest as defined by the Council and shown at paras 7.2 to 7.7 above.

8.2 You also have a personal interest in any business of your Council where a reasonable person with knowledge of the relevant facts would regard the interest as greater than would affect the majority of residents or inhabitants in the affected area such that it is likely to prejudice your judgment of the public interest.

8.3 Where you have any interest in any business of the Council and you attend any meeting at which that business is to be considered, you must:

(a) disclose to that meeting the existence and nature of that interest but where your interest is sensitive you are not required to disclose the interest but merely the fact there is an interest in the matter concerned

(b) disclose any interest in accordance with the Council's reasonable requirements, no later than the commencement 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

(c) where you have a disclosable pecuniary interest, withdraw from the room or chamber where a meeting considering the business is being held at the commencement of the consideration of that business in which you have that interest, or (if later) the time at which the interest becomes apparent to you unless you have obtained a dispensation from the Council's Clerk

(d) not seek to influence improperly any decision about that business.

Guidance on Bias and Predetermination – This is not part of the Code of Conduct

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.

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. To take part in a discussion and decision on a matter with a closed mind (whether through bias or pre-determination) will put the Council at risk of a finding of maladministration and / or of legal proceedings.

If a Councillor feels that they are biased or predetermined then this should be recorded in the minutes and then they should not be involved in the discussion and vote.

[1]It should be noted that there more stringent rules on this in respect of planning decisions which are contained in the 'Code of Good Practice for Councillors and Officers dealing with planning matters'

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Appendix A - The Seven Principles of Public Life ('the Nolan Principles')

The principles are:

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 disclose 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.