

# CODE OF CONDUCT FOR MEMBERS OF TEIGNBRIDGE DISTRICT COUNCIL



## 1. What is the purpose of the Code?

- 1.1 This Code sets out the standards of conduct required by the Council of all its members whether elected or co-opted (“Members”). The Code is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership (“the Nolan Principles”) <sup>i</sup>.
- 1.2 It comprises the rules which apply to members (see paragraphs 2 to 6 below); Appendices 1 and 2 which list interests which must be registered; and Footnotes which provide definitions and guidance on the rules.

## 2. When does it apply?

The Code applies to Members whenever they are:

- 2.1 Conducting the business of the Council, including the business of the office to which they were elected or appointed; or
- 2.2 Acting, claiming to act or giving the impression of acting as a representative of the Council.

## 3. What are Members required to do?

All Members are required to comply with the General Obligations (see paragraph 4) and the Interest Rules (paragraphs 5 to 6).

## 4. The General Obligations

- 4.1 To behave in such a way that a reasonable person would regard as respectful.<sup>ii</sup>
- 4.2 Not act in a way which a reasonable person would regard as bullying or intimidatory.<sup>iii</sup>
- 4.3 Not seek to improperly confer an advantage or disadvantage on any person.
- 4.4 Not disclose information which is confidential or where disclosure is prohibited by law.
- 4.5 To use the resources of the Council in accordance with its requirements.
- 4.6 To co-operate and comply with any formal standards investigations and not to make trivial or malicious allegations against others.

4.7 Not to bring the office of councillor or the Council into disrepute.<sup>iv</sup>

## **5 Registration of Interests**

5.1 Within 28 days of:

- (a) this Code being adopted by the Council;
- (b) the Member's election / appointment; and
- (c) any change in the Member's interests

register with the Council's Monitoring Officer the interests which fall within the categories set out in Appendices 1 and 2 of which they are aware.

5.2 When the Monitoring Officer has confirmed in writing that the interest is a Sensitive Interest <sup>v</sup>, there is no need to provide the details of the interest, only the existence of the interest.

## **6 Declaration of Interests at Meetings**

6.1 Subject to the provisions for Members to apply for dispensations <sup>vi</sup>, Where a matter arises at a Meeting <sup>vii</sup> which relates to an interest in Appendix 1 the Member must:

- (a) Declare the interest (unless it is recorded in the Register of Interests as per paragraph 5)
- (b) Not participate in a discussion nor vote on the matter and
- (c) Leave the meeting room whilst that matter is being dealt with.

6.2 Where a matter arises at a Meeting which relates to an interest in Appendix 2, the Member must:

- (a) Declare the interest (unless it is recorded in the Register of Interests as per paragraph 5)
- (b) Not vote on the matter
- (c) Only speak on the matter if members of the public are also allowed to speak on the matter at the Meeting.

6.3 Where a matter arises at a Meeting which relates to a financial interest of the Member, his / her friend, relative or close associate (other than an interest in Appendix 1 or 2), the Member must:

- (a) Disclose the interest
- (b) Not vote on the matter
- (c) Only speak on the matter if members of the public are also allowed to speak on the matter at the meeting.

6.4 Where a matter arises at a Meeting which a member of the public with knowledge of the facts, would reasonably regard as so significant that it is likely to prejudice the councillor's consideration or decision-making in relation to that matter (other than an interest in Appendix 1 or 2) the Member must:

- (a) Disclose the interest
- (b) Not vote on the matter
- (c) Only speak on the matter if members of the public are also allowed to speak on the matter at the meeting.

### **Appendix 1 - Disclosable Pecuniary Interests**

Interests defined by regulations made under section 30(3) of the Localism Act 2011 and described in the table below.

<b>Subject</b>	<b>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 to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses. 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 made between the member or between his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a body in which such a person is a partner in a firm, a director of an incorporated body or holds the beneficial interest in securities*) 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 relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the member's knowledge)—  (a) the landlord is the Council; and (b) the tenant is a body in which the member, or his/her spouse or civil partner/ the person with whom the member is living as if they were spouses/civil partners has a beneficial interest.

Securities <sup>viii</sup>	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the member'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>
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## Appendix 2 - Other Interests

An 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 is in a position of general control or management;
- (iii) Any individual gifts or hospitality worth more than an estimated value of £50 which the Member has received by virtue of his or her office.

### Foot Notes (provided for guidance only)

<sup>i</sup> Members should have in mind the **Nolan Principles** in situations whenever the Code might apply to them. For example, in considering a planning application in which the Council is the applicant when the Member has been involved in decisions whether or not the Council should apply for planning permission, the Member might wish to ensure that consistent with the principle of Openness, his previous involvement is declared when determining the application even if it is not an interest under paragraph 6 of this Code. Nevertheless, it should be noted that a breach of the Nolan Principles is not a breach of the Code.

<sup>ii</sup> **Respect** – a common sense definition of this will be applied. It should be noted that this term is extremely broad. Without providing a definitive list, it could cover:

- almost any example of unfair, unreasonable or demeaning behaviour directed by one person to another;
- a failure of a Member to treat a person courteously, with consideration and honesty as would be appropriate to the particular case.

It should not however be confused with the freedom to disagree with the views of others particularly when acting in a political environment.

<sup>iii</sup> **Bullying or intimidation** – again a common sense definition of this will be applied. As with any provision of the code it could cover one incidence or a

serious of incidents which collectively amount to a breach; and as a non-definitive guide, it might cover for example:

- spreading of malicious rumours;
- insulting someone by word or behaviour;
- copying memos that are critical about someone to others who do not need to know;
- ridiculing or demeaning someone or setting them up to fail;
- exclusion or victimisation;
- unfair treatment;
- overbearing supervision or misuse of power or position;
- unwelcome sexual advances;
- making threats or comments about job security without foundation;
- deliberately undermining a competent worker by overloading and constant criticism of their work;
- preventing individuals progressing by intentionally blocking promotion or training opportunities.

- iv **Disrepute** – this is intended to cover situations where behaviour is inappropriate being below the standards which a reasonable and objective observer would expect of a councillor; it might include poor conduct which doesn't readily fall within the any other provision of the Code or situations where there have been repeated breaches of the code. It should not be confused with situations where for example a reasonable and objective might consider it fair for a councillor to raise about the Council or others.
- v **'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.
- vi **Dispensations** - on a written request made to the Council's Monitoring Officer, the Council may grant a Member a dispensation to enable the Member to participate in a discussion and vote on a matter in which they have an interest outlined in section 6:
- (a) the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or
  - (b) it is in the interests of the inhabitants in the Council's area to allow the Member to take part; or
  - (c) it is otherwise appropriate to grant a dispensation.
- vii **'Meetings'** are meetings of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.
- viii **'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.