

MEMBERS' CODE OF CONDUCT

Agreed by DSG on 25.4.12 as the basis for adoption as a 'Devonwide' code with the capability of limited local variation and flexibility (e.g. blue text) ... and remaining known unknowns (e.g. red text)

PART 1 GENERAL PROVISIONS

Public Duty and Private Interests: An introduction

- 1 This Code applies to you as a Member or a Co-opted Member of [Devon County Council](#).
- 1.2 You should have regard to the Principles of Public Life namely, Selflessness, Honesty/Integrity, Objectivity, Accountability, Openness, Personal judgment, Respect for others, Duty to uphold the law, Stewardship and Leadership.
- 1.3 When acting in your capacity as a Member or Co-opted Member of the [County Council](#) –
 - (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 [County 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 [County Council](#) or contained in its Constitution,
 - (f) you must declare any private interests, both pecuniary [non-pecuniary ... 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 County 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 County 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 County 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 County 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 –

“Close associate” means someone with whom you are in close regular contact over a period of time who is more than an acquaintance. It may be a friend, a colleague, a business associate or someone you know through general social contacts. It is someone a reasonable member of the public would think you might be prepared to favour/disadvantage.

“Member of your family” means:

- partner (i.e. your spouse/civil partner/someone you live with in a similar capacity);
- a parent/parent-in-law, son/daughter, step-son/step-daughter, child of partner;
- a brother/sister, grandparent/grandchild, uncle/aunt, nephew/niece

or the partners of any of these persons.

“Relevant person” means:

- any member of your family;
- any of your close associates;

- any person or body with whom you, a member of your family, or a close associate has a financial interest or a contractual relationship, including by employment any body of which you are in a position of general control or management

“*well-being*” means your general sense of contentment and quality of life

“*meeting*” means any meeting of –

- the [County Council](#);
- the Cabinet of the [County Council](#);
- any of the Council’s or the Cabinet’s, Committees, Sub-Committees, Joint Committees, Joint Sub-committees or Area committees;
- [informal meetings where a formal record is taken by a Council Officer with other Members and/or with officers or both relating to the discharge of the County Council’s functions.](#)

“*interest or interests*” have the meanings set out in Part 2 of this Code

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 [County Council](#); or
 - (b) you behave so as to give a reasonable person the impression that you are acting as a representative of the [County Council](#).

General obligations

4. You **must** –
 - (a) treat others with courtesy and respect,
 - (b) when reaching decisions on any matter, do so on the merits of the circumstances and in the public interest and have reasonable regard to any relevant advice provided to you by an officer of the County Council.
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 [County Council](#) to breach a statutory duty or any of the equality enactments (as defined in section 149 of the Equality Act 2010);
 - (c) bully any person (bullying may be characterised as any single act or pattern of 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);

(d) 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 any Member has failed to comply with the Council's Code of Conduct; or

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

PART 2 INTERESTS

Registration of Interests

6. You must, within 28 days of—

(a) this Code being adopted by, or applied to, the [County](#) Council; or

(b) your taking office as a Member or Co-opted Member of the County Council, provide written notification to the [County](#) Council's Monitoring Officer 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 partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife); and

(ii) any other .. [pecuniary, non-pecuniary – personal .. or voluntary](#) ... interests laid down by the [County](#) Council, as set out at paragraph7.. below;

which will be recorded in the [County](#) Council's Register of Members' Interests and made available for public inspection including on the Council's website at :

6.1 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 [County](#) Council's Monitoring Officer.

6.2 If an interest has not been entered onto the [County](#) Council's register, then you must disclose the interest to any meeting of the Council, [the Cabinet](#) or any Committee at which you are present, where you have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'

6.3 Following any disclosure of an interest not on the [County](#) Council's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.

7. The interests you must register are:

- those disclosable pecuniary interests defined by Regulations as:

.....

[The list of disclosable pecuniary interests will necessarily be dependent on the Regulations .. publication of which is still awaited .. as would (by extension) the General Declaration of Interest form to be completed by Members]

So .. insert from either ...

Version 1 (looks like 2007 Code)

- . (1) You have a personal interest in any business of your authority where either –
 - (a) it relates to or is likely to affect –
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the County Council;
 - (ii) any body –
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in the County Council's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract for goods, services or works made between the County Council and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25; (? include this point at all or vary limit if able so so to do?)
 - (ix) any land in the County Council's area in which you have a beneficial interest;
 - (x) any land where the landlord is the County Council and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

(xi) any land in the County Council's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

ORVersion 2 ..

Any land/property in the area of Devon County Council in which you have a beneficial interest (or a licence to occupy) including the land and house you live in, any allotments you own or use;

Your employment or your employer;

Any firm or business which you own, or in which you have a financial or non-financial interest;

Your membership of any other local Authority;

Your membership of any body exercising functions of a public nature, directed to charitable purposes or whose principal purposes include influence of public opinion or policy, including any political party or trade union, in which you hold a position of control/management;

Any contracts for goods, services or works between the County Council and you, your firm or a business which you own, or in which you have a financial or non-financial interest;

Any person from who you have received a gift or hospitality in the past 3 years estimated to exceed £25 (? include this point at all or vary limit if able so to do?)

- those other interests laid down by the County Council, namely:

.....

- any other interest where a reasonable person with knowledge of the relevant facts may regard the interest as so significant and greater than it would affect the majority or residents or inhabitants in the affected area and may prejudice your judgement of the public interest;
- .. and .. Voluntary Interests - the County Council's policy is that, in addition to any of the statutory or other declarations listed above, Members are invited to also declare membership of any body which, in their view, might create a conflict of interest in carrying out their duties as a County Councillor, such as membership of the Freemasons or similar body.

- 7.1 Where the County Council's Monitoring Officer 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.

- 7.2 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 [County Council's](#) Monitoring Officer asking that the information be included in the [County Council's](#) Register of Members' Interests.

Declaration of Interests

8. 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 [County Council](#) may also place on your involvement in matters where you have any interest as defined by the Council and shown at para 7 above .
- 8.1 Where you have a [pecuniary .. non pecuniary .. personal](#) interest in any business of the [County Council](#) and you attend any meeting of the Council, [its Cabinet](#) or any Committee, Sub-Committee, Joint Committee [or Area Committee](#) at which that business is to be considered, you must disclose to that meeting the existence and nature of that interest.
- 8.2 You must disclose any [pecuniary .. non pecuniary .. personal](#) interest in accordance with the Council's reasonable requirements, and 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.
- 8.3. Where you have a disclosable pecuniary interest in any business:
- (a) you must not seek to influence improperly a decision about that business; and
 - (b) you must withdraw from the room or chamber where a meeting considering the business is being held as soon as it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from the [County Council's](#) Monitoring Officer.