

MEMBERS' CODE OF CONDUCT

Monitoring Officer's Foreword: *The text set out below was adopted by the County Council to comply with the Local Authorities (Model Code of Conduct) Order 2007 which applies to all local, police and fire authorities. The format in this Order is mandatory and it was not therefore possible to delete references - to parish councils for example – which have no relevance to the County Council. At certain points the Council has however inserted wording which it considers strengthens or clarifies the Code.*

PART 1 GENERAL PROVISIONS

Introduction and interpretation

1. (1) This Code applies to you as a member of an authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code -

"meeting" means any meeting of –

- (a) the authority;
- (b) the executive of the authority;
- (c) any of the authority's or its executive's committees, sub-committees,
- (d) informal meetings with other members and/or with officers relating to the discharge of the authority's functions

joint com

"member" includes a co-opted member and an appointed member.

(5) In relation to a parish council, references to an authority's monitoring officer and an authority's standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2. (1) Subject to sub-paragraphs (2) - (5), you must comply with this Code whenever you -
 - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your authority –

- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
- (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. (1) You must treat others with respect.

(2) You must not –

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);

(b) 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;

(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 member (including yourself) has failed to comply with his or her authority's 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, your authority.

(3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

(4) In particular you shall not provide or offer to provide a reference for any candidate for appointment or promotion as an officer of the authority.

4. 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 authority; or

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

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
6. You –
- (a) 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; and
 - (b) must, when using or authorising the use by others of the resources of your authority or of resources the use of which is controlled or influenced by your authority-
 - (i) act in accordance with your authority'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
7. (1) When reaching decisions on any matter you must –
- (a) do so on the merits of the circumstances and in the public interest
 - (b) have regard to any relevant advice provided to you by the authority's officers – in particular by:
 - (i) your authority's Chief Finance Officer,
 - (ii) your authority's Monitoring Officer,
- where that officer is acting pursuant to his or her statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

PART 2 INTERESTS

Personal interests

8. (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 your authority;
 - (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 your authority'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 your authority 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;

(ix) any land in your authority's area in which you have a beneficial interest;

(x) any land where the landlord is your authority 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 authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of –

(i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or

(iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

(2) In sub-paragraph (1)(b), a relevant person is –

(a) a member of your family or any person with whom you have a close association; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9. (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Prejudicial interests generally

10. (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) You do not have a prejudicial interest in any business of the authority where that business-

(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or

(c) relates to the functions of your authority in respect of –

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

(ii) 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;

(iii) 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;

(iv) an allowance, payment or indemnity given to members;

(v) any ceremonial honour given to members; and

(vi) setting council tax or a precept under the Local Government Finance Act 1992.

(3) The determining of any approval, consent, licence, permission or registration shall include the amendment, modification of any such approval, consent, licence, permission

or registration or any condition, limitation or term to which it is subject or the revoking of any approval, consent, licence, permission or registration.

Prejudicial interests arising in relation to overview and scrutiny committees

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where –
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority –
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held -
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;
- unless you have obtained a dispensation from your authority's standards committee;
- (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

PART 3 REGISTRATION OF MEMBERS' INTERESTS

13. (1) Subject to paragraph 14, you must, within 28 days of –
- (a) this Code being adopted by or applied to your authority; or
 - (b) your election or appointment to office (where that is later),
- register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.
- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14. (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.
- (3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.



DEVON COUNTY COUNCIL

Register of Members Interests
GENERAL NOTICE OF REGISTERABLE INTERESTS

(Local Government Act 2000)
(The Local Authorities (Model Code of Conduct) Order 2007)

~~~~~

I, Councillor

being a Member of Devon County Council,

give notice, in the categories set out below, of those interests which I am required to declare under the Devon County Council's Code of Conduct for Councillors:

| <b>1. Employment, Job, Trade or Business</b>                                                                                                                                                                                                                       |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>Please give details of (i) every employment, job, trade or business you have, including a short description of the activity e.g. 'Accountant' or 'Farmer' and (ii) the name of your employer or any firm or company of which you are a Partner or Director.</b> |  |
| Description of employment, job, trade or business                                                                                                                                                                                                                  |  |
| Name of Employer or firm in which you are a partner or company of which you are a remunerated Director                                                                                                                                                             |  |

## **2. Sponsorship**

**Please give details of any person or body (other than the County Council, a District, Parish or Unitary Council or other relevant authority) who has made any payment to you in respect of your election or any expenses you have incurred in carrying out your duties as a County Councillor.**

## **3. Interests in Companies**

**Please give details of any person or body which has a place of business or owns land in the Council's area and in which you have a beneficial interest in a class of shares (a shareholding) of more than £25,000 (face value) or more than 1/100<sup>th</sup> of the total share issue of that person or body (whichever is the lower).**

**Note: It is not necessary to declare the nature or size of the holding, simply the name of the company or other body.**

## **4. Contracts for Goods, Works or Services with the Council**

**Please give details of any contracts for goods, works or services between Devon County Council and yourself or any firm of which you are a partner or any Company of which you are a remunerated Director or in which you have a shareholding of more than £25,000 (face value) or a stake of more than 1/100<sup>th</sup> of that company or any person or body referred to at 3 above.**

**5. Landholdings in the Area**

Please give the address or other description (sufficient to identify the location) of any land in the County Council's area in which you have a beneficial interest, that is to say in which you have some proprietary interest for your own benefit, indicating whether you are the owner, lessee or tenant, including land in which you may have a licence, alone or with others, to occupy for 28 days or longer. You should include details of your home if you live in the Council's area.

**6. Land leased from Devon County Council**

Please give the address or other description (sufficient to identify the location) of any land leased or licensed from Devon County Council by a firm of which you are a partner or of any Company of which you are a remunerated Director or in which you have a shareholding of more than £25,000 (face value) or a stake of more than 1/100<sup>th</sup> of that company (as specified in 3 above).

**7. Gifts and Hospitality**

Please give details of interests of any person(s) from who you have received any gift or hospitality to the value of £25 or over (i.e. name, address, or other description of a person or body).

*[See also separate Register of Gifts and Hospitality maintained in line with the Councils Code of Business Practice.]*

**8. Membership of Other Bodies**

**Please give details of your membership of, or position of general control or management, of any bodies in the categories listed below.**

|                                                                                                                                                                                                                                             |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Any Body to which you have been appointed or nominated by the County Council as its representative                                                                                                                                          |  |
| Any other body exercising functions of a public nature<br><br>(e.g. District or Parish Council; Health, Police or Fire Authority or Quasi Autonomous Non-Governmental Body)                                                                 |  |
| Any body directed to charitable purposes<br><br>(e.g., an Industrial and Provident Society or Charitable Body)                                                                                                                              |  |
| Any Body whose principle purpose is to influence public opinion or policy<br><br>(e.g. Political Party; Trade Union, Professional Association, Local Action Forum, Civic Society or Interest Group (e.g. National Trust; RSPB: Greenpeace)) |  |

**DECLARATION**

I recognise that if I fail to comply with the Code of Conduct for Councillors or:

- (i) omit any information that should be included in this Notice;
- (ii) give false or misleading information; or
- (iii) do not tell the County Council of any changes to this Notice or new interests I acquire,

the matter may be referred to the Standards Board for England for investigation.

Signed : .....

**FOR OFFICE USE ONLY**

Received: ..... Update .....