



## **BARNSTAPLE TOWN COUNCIL**

### **MEMBERS' CODE OF CONDUCT**

#### **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 Barnstaple Town 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 Town 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, a member of your family, close associate or relevant person;
  - (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 Town 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 Town Council,
  - (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 Town 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 Town 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 Town 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 Town 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;
- anybody of which you are in a position of general control or management

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

*“relevant period”* means a period of 12 months ending with the date on which you notified the Monitoring Office of an interest

*“meeting”* means any meeting of –

- the Town Council;;
- any of the Council’s Committees, Sub-Committees, or Working Parties.

- one or more Members, formal or informal and with or without officers, relating to the discharge of the Town Council's functions where a formal record is made by a Council Officer.

*"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 Town Council; or
  - (b) you behave so as to give a reasonable person the impression that you are acting as a representative of the Town 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 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 Town 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 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 Town Council; or
  - (b) your taking office as a Member or Co-opted Member of the Town Council,

Whichever is the later, and annually thereafter, provide written notification to the District 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 personal interest laid down by the Town Council, as set out at paragraph 7 below;

Which will be recorded in the Town Council's Register of Members' Interests and made available for public inspection including on the Council's website at: [www.barnstapletowncouncil.co.uk](http://www.barnstapletowncouncil.co.uk) and at [www.northdevon.gov.uk](http://www.northdevon.gov.uk)

- 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 District Council's Monitoring Officer.
- 6.2 Whether or not an interest within paragraphs 7.1 and 7.2 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 paragraph 8 below where the matter is not a 'sensitive interest'
- 6.3 Following any disclosure of an interest not on the 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:

- 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;
  - (b) any payment or provision of any other financial benefit (other than from Barnstaple Town 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, a member of your family, close associate or a relevant person (as defined at Para 2 above)** (or a body in which **any of those persons** has a beneficial interest) and **the Town Council**:
    - (1) under which goods or services are to be provided or works are to be executed; and
    - (2) which has not been fully discharged

- (d) any beneficial interest in land which is within the **administrative area of the Town Council**;
- (e) any licence (alone or jointly with others) to occupy land in the **administrative area of the Town Council** for a month or longer
- (f) any tenancy where (to **your** knowledge):
  - (1) the landlord is Barnstaple Town Council ; and
  - (2) the tenant is a body in which **you, a member of your family, close associate or a relevant person** has a beneficial interest.
- (g) any beneficial interest in securities of a body where:
  - (1) that body (to **your** knowledge) has a place of business or land in the **administrative area of the Town Council** and
  - (2) 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.**

7.2 Those other personal interests laid down by the Town Council, namely:

- (h) your membership of any body to which you have been appointed by the County 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
- (j) 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;

- 7.3 In addition to those interests listed at 7.1 and 7.2 above which you are required to registered, 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 Town Councillor, such as membership of the Freemasons or any similar body.
- 7.4 Where the District 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.
- 7.5 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 Monitoring Officer asking that the information be included in the 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 any restrictions the Council may 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 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;
  - (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;

- (d) not seek to influence improperly any decision about that business; unless you have obtained a dispensation from the Town Clerk.