

Section 27 of the Localism Act 2011
Buckfastleigh Town Council
Code of Conduct



**REVISED AND ADOPTED BY BUCKFASTLEIGH TOWN
COUNCIL ON 17 MAY 2023**

Introduction

Pursuant to Section 27 of the Localism Act 2011, Buckfastleigh Town Council has adopted this Code of Conduct to promote and maintain high standards of behaviour by its Members and co-opted Members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council.

The Code of Conduct is based on the Seven Principles of Public Life known as the Nolan Principles of

- **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.

Definitions

For the purposes of this Code, a ‘co-opted Member’ is a person who is not an elected member of the Council, but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

For the purposes of this Code, a ‘meeting’ is a meeting of the Council, any of its committees, sub-committees, joint committees, or joint sub-committees.

For the purposes of this Code and unless otherwise expressed, a reference to a Member of the Council includes a co-opted Member of the Council.

Member Obligations

When a Member of the Council acts, claims to act or gives the impression of acting as a

representative of the Council, you have the following obligations:

- act with integrity and honesty
- act lawfully
- treat all persons fairly and with respect and
- lead by example and act in a way that secures public confidence in your role as a councillor or co-opted member.

In undertaking the role of a Member, you must:

- impartially exercise your responsibilities in the interests of the local community
- not improperly seek to confer an advantage, or disadvantage, on any person
- avoid conflicts of interest
- exercise reasonable care and diligence
- ensure that public resources are used prudently in accordance with the Council's requirements and in the public interest.

Application of the Code

This Code of Conduct applies to you if you have signed your declaration of acceptance of the office; or if you are a co-opted member as soon as you attend your first meeting as a co-opted member. The Code continues to apply to you until you cease to be a Member.

This Code of Conduct applies when you are acting in your capacity as a councillor or co-opted member which may include when:

- you misuse your position as a councillor or co-opted member; or
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor or co-opted member.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication or non-verbal communication and
- in electronic and social media communication, posts, statements, and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor or co-opted member.

Your Teignbridge District Council Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct.

Standards of Conduct

The remainder of this Code sets out your obligations, which are the minimum standards of

conduct required of you as a Member. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

1. Respect

You must:

- a) treat other Members and members of the public with respect; and
- b) treat Council employees, employees and representatives of partner organisations and those volunteering for the Council with respect and respect the role they play.

2. Bullying, Harassment and Discrimination

- a) You must not bully any person
- b) You must not harass any person
- c) You must promote equalities and not discriminate unlawfully against any person.

3. Impartiality of Officers of the Council

As a Member you must not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the Council.

4. Confidentiality and access to information

4.1 You must not disclose information:

- a) given to you in confidence by anyone; or
- b) acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature unless (i) you have received 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 legal advice provided that the third party agrees not to disclose the information to any other person; or (iv) the disclosure is reasonable and in the public interest, made in good faith and in compliance with the reasonable requirements of the Council and you have consulted the Monitoring Officer prior to its release.

4.2 You must not improperly use knowledge gained solely as a result of your role as a Member for the advancement of yourself, your friends, your family members, your employer or your business interests.

4.3 You must not prevent anyone from getting information that they are entitled to by law.

5. Disrepute

You must not bring your role or the Council into disrepute.

6. Use of position

You must not use, or attempt to use, your position improperly to the advantage or disadvantage of yourself or anyone else.

7. Use of Council resources and facilities

7.1 You must not misuse Council resources.

- 7.2 You must, when using the resources of the Council or authorising their use by others:
- a) act in accordance with the Council’s requirements; and
 - b) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Council or of the office to which you have been elected or appointed.

8. Complying with the Code of Conduct

- 8.1 You must undertake Code of Conduct training provided by the Council.
- 8.2 You must cooperate with any Code of Conduct investigation and /or determination.
- 8.3 You must not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- 8.4 You must comply with any sanction imposed on you following a finding that you have breached the Code of Conduct.

9. Gifts and Hospitality

- 9.1 You must not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on your part to show favour from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage.
- 9.2 You must register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
- 9.3 You must register with the Monitoring Officer any significant gift or hospitality that you have been offered but have refused to accept.

Interests

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the Council. At the Council, your notification of registration should be sent to comsec@teignbridge.gov.uk .

You need to register your interests so that the public, Council employees and fellow Members know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other Members when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a Disclosable Pecuniary Interest as set out in the Appendix to this Code, is a criminal offence under the Localism Act 2011.

“Disclosable Pecuniary Interest” means an interest of yourself, or of your partner if you are

aware of your partner's interest, within the Appendix to this Code. The interests are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. For the purposes of Disclosable Pecuniary Interests the term "partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners. The detailed provisions on registering and disclosing interests are set out below. If in doubt, you should always seek advice from your Monitoring Officer at monitoringofficer@teignbridge.gov.uk .

Registering Interests

1. Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer Disclosable Pecuniary Interests and Other Registerable Interests. “Disclosable Pecuniary Interests” are defined above. “Other Registerable Interests” means your other personal interests which fall within the categories set out in the Appendix under the heading Other Registerable Interests.

2. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.

Non-Participation in the case of Disclosable Pecuniary Interests

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests (see Appendix), you must:

- a) disclose the interest;
- b) not participate in any discussion or vote on the matter; and
- c) not remain in the room unless you have been granted a dispensation.

If it is a ‘sensitive interest’ (see paragraph 3 above), you do not have to disclose the nature of the interest, just that you have an interest. Dispensations may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a Disclosable Pecuniary Interest.

5. Where you have a Disclosable Pecuniary Interest on a matter to be considered or is being considered by you as a member in exercise of your function, you must:

- a) notify the Monitoring Officer of the interest; and
- b) not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of other registerable interests

6. Where a matter arises at a meeting which directly relates to one of your 'Other Registerable Interests' (see Appendix), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting, but otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of non-registrable interests

7. Where a matter arises at a meeting which directly relates to:

- a) your financial interest or well-being (and is not a Disclosable Pecuniary Interest); or
- b) a financial interest or well-being of a relative or close associate,

You must disclose the interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting, but otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which affects:

- a) your own financial interest or well-being; or
- b) a financial interest or well-being of a friend, relative, close associate; or
- c) a body included in those you need to disclose under Disclosable Pecuniary Interests

You must disclose the interest.

In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

9. Where a matter affects your financial interest or well-being:

- a) to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision; and
- b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting, but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

c) Where you have a personal interest in any business of your Council and you have made an

decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Appendix

Disclosable pecuniary interests defined by regulations made under Section 30(3) of the Localism Act 2011 and described in the table below:-

| Subject | Description |
|---|---|
| Employment, office, trade, profession or vocation | Any employment, office, trade 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 | Any beneficial interest in securities of a body where:- a) that body (to the Member's knowledge) has a place of business or land in the area of the Council; and b) either- i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or 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. |

*'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.

An interest which relates to or is likely to affect:

- a) anybody of which the member is in a position of general control or management and to which you are appointed or nominated by the Council;
- b) anybody –
 - exercising functions of a public nature;
 - directed to charitable purposes; or
 - one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which the Member of the Council is a Member or in a position of general control or management;

- c) any gifts or hospitality worth more than an estimated value of £50 which the Member has received by virtue of his or her office.