

EXETER CITY COUNCIL MEMBERS' CODE OF CONDUCT

Part 1 agreed with Districts as devonwide code

Red=mandatory changes + bold red=Devon'ing it! (+ subject to Regs)

Blue + local adaption of agreed devonwide code

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 Exeter City Council (The 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 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 City 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 Council or contained in its Constitution,

(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 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 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 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 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

“*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 Council;
- the Executive;
- any of the Council's or the Executive's, Committees, Sub-Committees, Joint Committees, Joint Sub-committees or Area committees;
- one or more Members, formal or informal and with or without officers, relating to the discharge of the 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 Council; or
 - (b) you behave so as to give a reasonable person the impression that you are acting as a representative of the 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 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.

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PART 2 INTERESTS

Registration of Interests

6. You must, within 28 days of—

- (a) this Code being adopted by, or applied to, the Council; or
- (b) your taking office as a Member or Co-opted Member of the Council,

whichever is the later, **and annually thereafter**, provide written notification to the 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 Council, as set out at paragraph 7 below;

which will be recorded in the Council's Register of Members' Interests and made available for public inspection including on the Council's website.

- 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 Council's Monitoring Officer.
- 6.2 Irrespective of whether an interest within paragraphs 7.1 and 7.2 below has been entered on the Register of Interests, you must disclose any interest you have at 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/ .???.) as set out below, namely:**

(B) any employment, office, trade, profession or vocation carried on for profit or gain by you or a relevant person;

(b) any payment or provision of any other financial benefit (other than from the District Council) made or provided within the relevant period in respect of any expenses incurred in carrying out your 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, or so far as you are aware a relevant person (as defined at Para 2 above) and the 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 held by you or so far as you are aware a relevant person which is within the administrative area of the Council;

(e) any licence (alone or jointly with others) to occupy land held by you or so far as you are aware a relevant person in the administrative area of the Council for a month or longer

(f) any tenancy where (to your knowledge):

- (1) the landlord is the Council; and
- (2) the tenant is a body in which you or so far as you are aware a relevant person has a beneficial interest.

(g) any beneficial interest that you, or so far as you are aware a relevant person has in securities of a body where:

(B) that body (to your knowledge) has a place of business or land in the administrative area of the Council and

(2) either:

(B) 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 Council, namely:

(h) your membership of any body to which you have been appointed by the 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 register, you may wish also to declare membership of any body which, in your view, might create a conflict of interest in carrying out your duties as a Councillor, such as membership of the Freemasons or any similar body.
- 7.4 Where the 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 Monitoring Officer asking that the information be included in Exeter City 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 Council's Monitoring Officer.

V4, 1.6.12

MEMBERS' CODE OF CONDUCT GENERAL NOTICE OF REGISTERABLE INTERESTS

2012/13

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I,

being a Member/Co-opted Member of Exeter City Council,

give notice below of those interests which I am required to declare under The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and Exeter City Council's Code of Conduct:

I understand that in so doing I must declare any interest of my spouse or civil partner or of any person with whom I am living as a husband or wife and also, in relation to categories 3 and 4, of any member of my family, close associate or relevant person, as defined in the Council's Code of Conduct.

### **1. Employment, Office, Trade, Profession or Vocation**

**Please give details of (i) every employment, job, trade, business or vocation you have, for which you receive any benefit or gain (i.e. profit, salary or benefit in kind) including a short description of the activity e.g. 'Accountant' or 'Farmer' and (ii) the name of any employer or body, firm or company which you own or in which you have any beneficial interest.**

|                                                             |  |
|-------------------------------------------------------------|--|
| Description of employment, job, vocation, trade or business |  |
|-------------------------------------------------------------|--|

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| <p>Name of Employer, body, firm or company by which you are employed or which you own or in which you have a beneficial interest</p> |  |

**2. Sponsorship**

Please give details of any person or body (other than Exeter City Council) 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 Councillor.

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**3. Securities: Interests in Companies**

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

*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 current, existing contracts for goods, works or services between Exeter City Council and you or any body, firm or company by which you are employed or which you own or in which you have a beneficial interest, as referred to at 3 above.

**5. Landholdings and Licenses in the Area**

Please give the address or other description (sufficient to identify the location) of any land or property in Exeter City Council's area in which you have a beneficial interest, 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 a period of one month or longer.

You must include the land and house you live in and for example an allotment you own or use.

**6. Corporate Tenancies: Land leased from Exeter City Council**

Please give the address or other description (sufficient to identify the location) of any land leased or licensed from Exeter City Council by a you or any body firm or company by which you are employed or which you own or in which you have a beneficial interest (specified at 3 above).

|                                                                                                                                                                                                      |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
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| <p><b>7. Membership of Other Bodies</b></p> <p><b>Please give details of your membership of, or any position of general control or management, of any bodies in the categories listed below.</b></p> |  |
| <p>Any Body or Organisation to which you have been appointed or nominated by Exeter City Council as its representative</p>                                                                           |  |
| <p>Any other body exercising functions of a public nature</p> <p><i>(e.g. County Council; Health, Police or Fire Authority or Quasi Autonomous Non-Governmental Body)</i></p>                        |  |
| <p>Any body directed to charitable purposes</p> <p><i>(e.g., an Industrial and Provident Society or Charitable Body)</i></p>                                                                         |  |

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| <p>Any Body whose principle purpose is to influence public opinion or policy <u>or</u> which, in your view, might create a conflict of interest in carrying out their duties as a County Councillor.</p> <p><i>(e.g. Political Party; Trade Union, Professional Association, Local Action Forum, Civic Society or Interest Group (e.g. National Trust; RSPB: Greenpeace or membership of the Freemasons or similar body)</i></p> |  |

**DECLARATION**

I recognise that if I fail to comply with Exeter City Council's Code of Conduct for Members or:

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

that may be a criminal offence and/or the matter may be referred to the Council's Standards Committee for investigation.

Signed : .....

**FOR OFFICE USE ONLY**

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