

Part 5 Codes and Protocols

5.1 Members' Code of Conduct

1 Purpose of the Code of Conduct

- 1.1 The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, Council officers and the reputation of local government.
- 1.2 It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The Local Government Association encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.
- 1.3 This Code of Conduct is based on the Model Code of Conduct produced by Local Government Association. The Local Government Association has also produced guidance on their Model Code of Conduct and regard should be had to that advice when considering the obligations and expectations of this Code. The guidance can be found [here](#), although it should be noted that the Model Code of Conduct has not been adopted in its entirety and there is some local variation.

2. Definitions

- 2.1 For the purposes of this Code of Conduct;
- 2.2 a "**councillor**" means a member or co-opted member of East Devon District Council.
- 2.3 "Member" includes a co-opted Member.
- 2.4 a "**co-opted member**" means a person who is not a member of East Devon District Council but who;
- a) sits on any committee or sub-committee of the Council, or;
 - b) represents the Council on, any joint committee or joint sub-committee of the Council;
- whether or not they are entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.
- 2.5 a "**meeting**" means any meeting of:
- the Council;
 - the Cabinet of the Council;
 - any of the Council's or the Cabinet's, Committees, Sub-Committees, joint Committees, or Joint Sub-committees;

- one or more councillors, 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.

2.6 a **"partner"** means a spouse or civil partner, or a person with whom you are living as if you are a married couple, or a person with whom you are living as if you are civil partners.

2.7 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

3. **General Principles of councillor conduct**

3.1 Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the **Seven Principles of Public Life**, also known as the Nolan Principles (See Appendix A). Building on these principles, the following general principles have been developed specifically for the role of councillor.

3.2 In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

3.3 In undertaking my role:

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

4. **Application of the Code of Conduct**

4.1 This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor or co-opted member.

4.2 This code of conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor, 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.

- 4.3 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
 - in non-verbal communication
 - in electronic and social media communication, posts, statements and comments.
- 4.4 You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.
- 4.5 Your 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.

5. Standards of councillor conduct - specific obligations

5.1 Courtesy and Respect - as a councillor:

5.1.1 I treat other councillors and members of the public with courtesy and respect.

5.1.2 I treat Council employees, employees and representatives of partner organisations and those volunteering for the Council with courtesy and respect and respect for the role they play.

5.1.2.1 Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack. In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

5.1.2.2 In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the Council, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and Council employees, where concerns should be raised in line with the Council's Member / Officer Protocol.

5.2 Bullying, harassment and discrimination - as a councillor:

5.2.1 I do not bully any person.

5.2.2 I do not harass any person.

5.2.3 I promote equalities and do not discriminate unlawfully against any person.

5.2.4 I do not do anything which may cause the Council to breach a statutory duty or any of the equality enactments (as defined in section 33 of the Equality Act 2010).

- 5.2.4.1 The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.
- 5.2.4.2 The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.
- 5.2.4.3 Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 5.2.4.4 The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the Council's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

5.3 **Impartiality of officers of the Council – as a councillor:**

5.3.1 **I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the Council.**

- 5.3.1.1 Officers work for the Council as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

5.4 **Confidentiality and access to information – as a councillor:**

5.4.1 **I do not disclose information:**

(a) given to me in confidence by anyone

(b) acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless

i. I have received the consent of a person authorised to give it;

ii. I am 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:

1. reasonable and in the public interest; and

2. made in good faith and in compliance with the reasonable requirements of the Council; and

3. I have consulted the Monitoring Officer prior to its release.

5.4.2 **I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

5.4.3 **I do not prevent anyone from getting information that they are entitled to by law.**

5.4.3.1 Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the Council must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5.5 **Disrepute – as a councillor:**

5.5.1 **I do not bring my role or Council into disrepute.**

5.5.1.1 As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your Council and may lower the public's confidence in your or your Council's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your Council into disrepute.

5.5.1.2 You are able to hold the Council and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Council whilst continuing to adhere to other aspects of this Code of Conduct.

5.6 **Use of position – as a councillor:**

5.6.1 **I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

5.6.2 **I will not act as agent for people pursuing planning matters within the Council's administrative area.**

5.6.2.1 Your position as a member of the Council provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

5.7 **Use of the Council's resources and facilities – as a councillor:**

5.7.1 **I do not misuse Council resources.**

5.7.2 **I will 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;**

5.7.3 **I will, when using the resources of the Council or authorising their use by others:**

5.7.4 **act in accordance with the Council's requirements; and**

- 5.7.5 **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 I have been elected or appointed.**
- 5.7.5.1 You may be provided with resources and facilities by the Council to assist you in carrying out your duties as a councillor.
Examples include:
office support
stationery
equipment such as phones, and computers
transport
access and use of Council buildings and rooms.
These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the Council's own policies regarding their use.
- 5.8 **Complying with the Code of Conduct and the Council's codes and protocols – as a councillor:**
- 5.8.1 **I undertake the mandatory training identified as part of the adopted Member Development Plan provided by my Council.**
- 5.8.2 **I cooperate with any Code of Conduct investigation and/or decision.**
- 5.8.3 **I do not intimidate or attempt to intimidate any person who is likely to be a complainant, a witness or involved with the administration of any investigation or proceedings that any councillor has failed to comply with the Council's Code of Conduct.**
- 5.8.4 **I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**
- 5.8.5 **I will comply with the Codes and Protocols forming part of the Council's Constitution.**
- 5.8.5.1 It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the Council or its governance. If you do not understand or are concerned about the Council's processes in handling a complaint you should raise this with your Monitoring Officer.
- 5.8.5.2 The Council resolved at its 20th October 2021 meeting that the Council should pay for training imposed by way of sanction in relation to district councillors.

6. Protecting your reputation and the reputation of the Council

6.1 Interests – as a councillor:

- 6.1.1 **I register and disclose my interests in accordance with Appendix B.**

- 6.1.1.1 Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the Council.
- 6.1.1.2 You need to register your interests so that the public, Council employees and fellow councillors 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 councillors 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.
- 6.1.1.3 You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.
- 6.1.1.4 **Appendix B** sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.
- 6.1.1.5 The Council has agreed that a co-opted member who has no voting rights is not expected to complete a register of interest.
- 6.2 **Gifts and hospitality – as a councillor:**
- 6.2.1 **I do 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 my 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.**
- 6.2.2 **I register with the Monitoring Officer any individual gift or hospitality with an estimated value of at least £50 or number of gifts or hospitality from the same donor which individually are below the estimated value threshold but which cumulative result in an estimated value of at least £50 in any calendar year within 28 days of its receipt.**
- 6.2.3 **I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**
- 6.2.4 **I disclose the existence of any gift or hospitality where I am present at a meeting where the gift or hospitality received is relevant to the matter of business being discussed irrespective of whether it has been entered into the register in accordance with paragraph 6.2.2 above.**
- 6.2.4.1 In order to protect your position and the reputation of the Council, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but

must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendix A - The Seven Principles of Public Life ('the Nolan Principles')

The principles are:

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.

Appendix B - Registering and disclosing interests

General

1. Within 28 days of becoming a councillor or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**. A co-opted member who has no voting rights is not expected to complete a register of interest.
2. When completing the register of interests, councillors shall provide sufficient information to properly describe the land **and** also provide HMLR title numbers or field numbers to enable land to be identified.
3. 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.
4. 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 you can withhold the interest from the public register.

Non participation in case of Disclosable Pecuniary Interest

5. Where a matter arises at a meeting which **directly relates** to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate 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, just that you have an interest. A dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), 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 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-Registerable Interests 'directly relating' to financial interest or well-being

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in **Table 1**) or 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. 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-Registerable Interests ‘affecting’ financial interests or well-being

8. Where a matter arises at a meeting which *affects* –
- a) your own financial interest or well-being;
 - b) a financial interest or well-being of a relative or close associate; or
 - c) a financial interest or wellbeing of a body included under Other Registerable Interests as set out in **Table 2**

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 (referred to in paragraph 8 above) affects the 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. 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.

Cabinet members

10. Where you have a Disclosable Pecuniary Interest (paragraph 5), Other Registerable Interest (paragraph 6) or any Non-Registerable Interest (paragraphs 7 - 9) on a matter to be considered or which is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain by the councillor or his / her partner .
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, 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 councillor or his / her partner (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of [#]) 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 and Property	Any beneficial interest in land which is within the area of the Council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her partner (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the Council; and (b) the tenant is a body that the councillor or his/her partner is a partner of or a director* of or has a beneficial interest in the securities [#] of.
Securities	Any beneficial interest in securities [#] of a body where— (a) that body (to the councillor'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 councillor or his/ her partner have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

'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.

Table 2: Other Registerable Interests

You must register as an Other Registerable Interest:

- a) any unpaid directorships.

- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by the Council.

- c) any body
 - (i) exercising functions of a public nature,
 - (ii) directed to charitable purposes, or
 - (iii) 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.

- d) membership of any body which, in your view, might create a conflict in carrying out your duties as a councillor (such as membership of the Freemasons or any similar body).

THIS SECTION DOES NOT FORM PART OF THE CODE OF CONDUCT AND IS FOR GUIDANCE ONLY

LGA guidance on the Model Code of Conduct in relation to interests states:

‘Directly relates to’ means it must be directly about the interest rather than simply affecting it – e.g. discussing an application about a property in which there is a financial interest as opposed to a neighbouring property where there is no financial interest or considering an application for funding from an organisation of which you are a member as opposed to discussing an annual report from the organisation where no decision is required.

‘Affects’ means it is not directly about the interest but nevertheless the matter has clear implications for the interest – e.g. discussing a neighbour’s planning application – and which can be positive (gain) or negative (loss) in impact.

‘Well-being’ can be described as a condition of contentedness and happiness and isn’t just about finances but can include anything that could affect quality of life either positively or negatively whether temporarily or on a permanent basis.

‘Relative or close associate’ is likely to be someone who the councillor is in regular or irregular contact over a period of time who is more than an acquaintance – it may be a friend, a colleague, a business associate, someone known through general social contacts or someone who the councillor is known to show animosity to - and who a reasonable member of the public might think the councillor would be prepared to favour or disadvantage when discussing a matter affecting them.

Guidance on Bias and Predetermination and predisposition

Councillors are permitted to have a pre-disposition towards a particular outcome. This means councillors can hold and express a view or inclination towards a future decision but requires a councillor to be open to having their views changed when it comes to the final decision.

Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you may participate in a decision on the issue in your political role as a member*. However, you must not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

When making a decision, consider the matter with an open mind and on the facts made available to the meeting at which the decision is to be taken. To take part in a discussion and decision on a matter with a closed mind (whether through bias or pre-determination) will put the Council at risk of a finding of maladministration and / or of legal proceedings. If a Councillor feels that they are biased or predetermined then this should be recorded in the minutes and then they should not be involved in the discussion and vote.

*It should be noted that there are more stringent rules on this in respect of planning decisions which are contained in the ‘Code of Good Practice for Councillors and Officers dealing with planning matters’.

Part 5 Codes and Protocols

5.2 Employees Code of Conduct

1 Standards

- 1.1 As a local government employee you are expected to give the highest possible standard of service to the public, and where it is part of your duties, to provide appropriate advice to Councillors and fellow employees with impartiality. 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.
- 1.2 You must report to the appropriate manager any wrong doing or legal, or ethical, breaches of procedure. Alternatively, you can use the procedure outlined in the Whistleblowing Policy.

2. Disclosure of information

- 2.1 You must get permission from your Director / Assistant Director before you:
- Give any information to the media
 - Take part in any broadcast (radio or TV/filmed)
 - Publish any article
 - Use any Council provided equipment for outside purposes
 - Using official experience/knowledge for outside purposes
- 2.2 You must not be influenced by improper motives (for example, secret profit or gain for yourself or anyone close to you).
- 2.3 You must get prior written permission of the Chief Executive or your Director or Assistant Director before you give any confidential information you have as a result of your official duties or position to anyone else.
- 2.4 You must not disclose any information regarding an officer's or Councillor's private affairs to anyone outside the Council, unless the person concerned has already given you their consent.
- 2.5 When requested, you must give the Director of Finance or his authorised representative, access to all records, documents and correspondence relating to any financial and other transactions of the Council.

3. Political neutrality

- 3.1 You must serve all Councillors equally regardless of their political beliefs.
- 3.2 If you are asked to advise one of the political groups, you must do so in an impartial way and only with the prior approval of the Chief Executive.
- 3.3 You must follow every Council Policy and not let your own personal or political opinions interfere with your work.

4. Relationships

- 4.1 **Councillors:** Mutual respect between employees and Councillors is essential to the Council. You must avoid having close personal friendships with individual Councillors. These can damage official relationships and prove embarrassing to other employees and Councillors.
- 4.2 **The local community and service users:** You should always remember your responsibilities to the local community and provide a polite, efficient and impartial service to everyone.
- 4.3 **Contractors:** You must tell your manager of any business or private relationships you have now, or have had, with any external contractor. Orders and contracts must be awarded on merit, by fair competition against other tenders. You must not grant any special favours to businesses run by, for example, friends, partners or relatives. You should not discriminate against anyone.
- 4.4 You must give your Director or Assistant Director notice in writing of any direct or indirect financial interest you have in a contract the Council has entered into, or is proposing to enter into. Your Director or Assistant Director will pass the information to the relevant line manager/and Monitoring Officer. An indirect interest is one where your spouse or partner with whom you live, or another immediate family member, stands to gain if they are awarded the contract.

5. Appointment and other employment matters

- 5.1 If you are involved in appointments you must ensure that these are made on the basis of merit. It is illegal for you to make an appointment which is based on anything other than the ability of the candidate to do the job. In order to avoid any possible accusation of bias, unless the employment is of a temporary or ad-hoc nature, you should not be involved in an appointment where you are related to an applicant, or have a close personal relationship outside work with him or her.

5.2 In principle, the Council will not allow individuals to be directly or indirectly in authority over a relative or someone with whom you have close personal ties, unless the employment is of a temporary or ad-hoc nature, nor will we allow employment of someone which may give rise to a conflict with someone already employed within the council due to them being a relative or because of close personal ties or they are related to a Member of the Council. A relative can include, for example, father or mother, husband or wife, son or daughter, brother or sister, or common-law partner. This factor may be taken into account in any recruitment and selection process. If this situation arises during employment, the individuals involved must report this to their Line Manager. The Council would work with the individuals to take action to resolve this situation. This may include redeployment or, in some cases, dismissal. Dismissal will only be considered once every other avenue has been exhausted.

6. Outside commitments

6.1 As an employee you should be clear about your contractual obligations and you should not take any outside employment, which conflicts with the Council's interests. You are advised to discuss the matter with your Manager if you have any doubts at all. You should not act as agent for people pursuing planning matters within the Council's area.

6.2 It is also a requirement that employees graded above (SCP 30) must speak to their Director if they wish to engage in any other business or to take up any other additional appointment Directors have the right to consent to, or refuse, any such request.

7. Personal interests

7.1 You must declare in writing to your Director any financial or non-financial interests, including friendships with Council contractors, you or your family have which could conflict, in your Director's opinion, with those of the Council. If you, your family or personal friends have jobs, own a house or other property or have an interest in a business or community group who might benefit from Council activity, then you are expected to declare this for your own protection. There are forms for these declarations which are available from HR. A central register is maintained by Democratic Services.

7.2 You must also declare in writing to your Director, membership of any private organisation which does not have a formal membership but has a commitment of allegiance and secrecy about its rules, membership or conduct, including freemasonry. A form for this declaration is available from Democratic Services. Democratic Services also maintain the central register.

7.3 An annual reminder will be sent out to ensure that all declarations are regularly reviewed. Those on SCP31 or above must either confirm that there are no changes or provide an updated form.

8. Intellectual property

- 8.1 When you produce work as part of your job, the copyright of it or any invention will belong to the Council as your employer, unless you have a written agreement that says the opposite.
- 8.2 You must follow Council guidance to make sure that you do not break copyright regulations, as financial penalties could follow for the Council.

9. Equality issues

- 9.1 You must make sure that you abide by the Council's policies and the law on equality issues. You must treat everyone fairly and with equal respect.

10. Separation of roles during tendering

- 10.1 You must treat all customers, suppliers, other contractors and subcontractors, whether internal or external, fairly and impartially.
- 10.2 You must not disclose any confidential information on tenders or costs for either internal or external contractors to any unauthorised party or organisation.
- 10.3 If you are intending to carry out a management buy-out you must inform your manager and withdraw from the contract awarding process.
- 10.4 You must make sure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

11. Bribery and corruption

- 11.1 You must not do anything to benefit or show favouritism towards or against anyone. The Bribery Act 2010 makes it an offence to offer, promise or give a bribe (Section 1). It also makes it an offence to request, agree to receive, or accept a bribe (Section 2). Section 6 of the Act creates a separate offence of bribing a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business. Individuals guilty of offences are liable to be punished by the court with heavy fines and/or imprisonment.
- 11.2 There is also a corporate offence under Section 7 of failure by a commercial organisation [this can include the Council] to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business, for the organisation. The Council, if convicted under sections 1, 2 or 6 will also face the same level of fines and, if guilty of an offence under section 7, is liable to an unlimited fine.
- 11.3 11.3 It is unacceptable to:

- give, promise to give, or offer a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given
- give, promise to give, or offer a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure
- accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them
- accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by us in return
- retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this Code
- engage in activity in breach of this Code or Council policy.

11.4 Facilitation payments are not tolerated and are illegal. Facilitation payments are unofficial payments made to public officials in order to secure or expedite actions.

11.5 Bribery is a serious offence against the Council and employees will face disciplinary action if there is evidence that they have been involved in this activity, which could result in summary dismissal for gross misconduct. Disciplinary action will be taken in addition to, or instead of, criminal proceedings, depending on the circumstances of each individual case.

11.6 Any suspected fraud should be reported initially to your Director or Assistant Director. If this is not appropriate, for example, if they may be involved, then you should contact either the Section 151 Officer or Monitoring Officer instead.

11.7 **Whistleblowing:** The Council is aware of the difficulties and conflicts that may arise for staff who suspect a colleague of fraud, theft or corruption. It is nevertheless essential that all instances be reported without delay. Staff should report any suspicions related to the workplace. Our Whistleblowing Policy outlines the details and procedures for employees. Whistleblowing is protected by law provided it is in the public interest.

12. Use of financial resources

12.1 You must make sure that you use any public funds you are responsible for in a lawful and responsible manner. You must aim to get value for money and to avoid legal challenge against the Council.

12.2 You must only use Council facilities and resources in connection with Council work and not for personal use, unless you are allowed to do so in accordance with written guidance issued on behalf of the Council.

13. Acceptance of gifts and hospitality

- 13.1 Democratic Services keep a central register of all offers of gifts, hospitality or sponsorship accepted by employees and authorised by their line manager. Any gifts, hospitality or sponsorship which is accepted must be entered into the register by the employee. If you are ever faced with difficulty over whether or not to accept gifts and hospitality the guidelines 13.2 to 13.10 should help you make a decision.
- 13.2 The general approach of the Prime Minister's Committee on the Local Government Rules of Conduct to the problems of gifts and hospitality is expressed as: "Another particular source of conflict between the private and public interest is the offer of gifts, hospitality or other benefits in kind to councillors in connection with their official duties. A nice exercise of judgement may sometimes be necessary to decide how the public interest, and the authority's good name, may be best served. A reasonable amount of entertainment is a normal part of the courtesies of public life and extreme strictness can give unnecessary offence to people and organisations with whom the authority's relationships should be cordial. But an appearance of improper influence is easily created and with it encouragement of cynicism about the motives of those who serve in local government." In applying this judgement you are strongly advised to err on the side of caution and to consult with your manager if you are in any doubt.
- 13.3 You may run the risk of your actions being misinterpreted simply because you have a close working relationship with a donor. You must report to your manager any offer of any gifts or hospitality and write a letter of thanks to the donor. If possible you should try to pool (share out) any gifts which you accept, or donate them to the Chair's nominated charity.
- 13.4 **Gifts:** The acceptance of gifts is a dangerous practice and the general rule should be to refuse tactfully, all such offers from organisation or persons who do, or might, provide work, goods or services to the Council, or who need some decision from the Council (for example, a planning application).
- 13.5 Exceptions from the general rule would include modest gifts of no more than £10 in value, which may be of promotional character (for example, calendars, diaries, articles for office use, or a small gift during a courtesy visit to a firm). Such exceptions relate only to modest gifts, an expensive gift would raise questions, even if it would otherwise fall within the categories in section 13.6. It is impossible to be more precise in saying what are and are not acceptable gifts, this is down to your judgement and that of your Director.
- 13.6 **Hospitality:** When to accept hospitality is also a matter for your own judgement. You are not expected to refuse all invitations for social involvement with individuals or organisations which have, or want to have, business links with the Council. What is important is to avoid any situation if it could be suggested that the donor has gained

improper influence or that you are acting in a personal rather than professional capacity.

- 13.7 The extent of the hospitality will be a factor as to its acceptability. It may be more reasonable to join in hospitality offered to a group, than to accept something unique to yourself.
- 13.8 When deciding whether or not to accept hospitality you should think about what other people might think if you did accept. You should be particularly cautious if the donor is currently negotiating with the Council.
- 13.9 The following checklist of questions should help in deciding whether to accept a gift or an offer of hospitality or tactfully reject it:
- Is the donor, or event, significant in the community or District?
 - Are you expected to attend because of your position in the community?
 - Will the event be attended by others of a similar standing in the community or in other communities?
 - What is the motivation behind the invitation?
 - Would acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future issue involving the Council?
 - Could you justify the decision to the Council, press and public?
 - Is the extent of the hospitality or the nature of the gift reasonable and appropriate?
 - How will you respond to the hospitality?
 - Are you comfortable with the decision?
- 13.10 **Sponsorship – giving and receiving:** When an outside organisation wishes to sponsor, or is seeking to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. You must take particular care when dealing with contractors or potential contractors.
- 13.11 If you, your partner, spouse or any relative would benefit from any proposed Council sponsored event or service, you must tell your Manager in full of your interest.
- 13.12 Similarly, where the Council, through sponsorship, grant aid, financial or other means, gives support in the community, you should ensure that impartial advice is given and that you have no conflict of interest.

Part 5 Codes and Protocols

5.3 Code of good practice for councillors and officers dealing with planning matters

1. General role and conduct of councillors and officers

- 1.1 **The aim of this code of good practice:** to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way. One of the key purposes of the planning system is to regulate the development and use of land in the public interest. **Your role as a Member of the Planning Authority** is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons. You are also a democratically accountable decision-taker who had been elected to provide and pursue policies. You are entitled to be predisposed to make planning decisions in accordance with your political views and policies **provided** that you have considered all material considerations and have given fair consideration to relevant points raised.
- 1.2 The Council first adopted a Local Code of Conduct with regard to Planning Matters on the 13 December 2000, and revised in 2002, 2006, 2011, 2013 and 2014. This Code of Good Practice continues the Council's commitment to the highest possible standards of behaviour in its operation of the planning system.
- 1.3 **The key purpose of Planning:** to control development in the public interest.
- 1.4 **Your role as a Member of the Planning Authority:** to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.
- 1.5 **When the Code of Good Practice applies:** this code applies to Members at all times when involving themselves in the planning process. (This includes when taking part in the decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings or when an application which would be required to be determined by the Planning Committee due to your interest is submitted). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.
- 1.6 If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or his deputy, and preferably well before any meeting takes place.
- 1.7 Whilst this Code of Good Practice deals primarily with planning applications the principles it endorses apply with equal vigour to consideration of the Local Plan,

Development Briefs, enforcement cases and all other planning matters.

- 1.8 Officers involved in the processing and determination of planning matters must also act impartially and in accordance with the Council's Code of Conduct for Council Employees. In addition those that are members of the Royal Town Planning Institute are required to comply with the relevant sections of the Royal Town Planning Institute's Code of Professional Conduct.

2 Relationship to the Members' Code of Conduct

- 2.1 **Do** apply the rules in the Members' Code of Conduct first, which must always be complied with. This is both the rules on interests, Disclosable Pecuniary Interests (DPIs) and any other interests identified by your Authority, and the general rules giving effect to the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 2.2 **Do** then apply the rules in this Planning Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct for the purposes of planning management. If you do not abide by this Code of Good Practice, you may put:
- the Council at risk of proceedings on the legality or maladministration of the related decision; and;
 - yourself at risk of either being named in a report made to Council or, if the failure is also likely to be a breach of the interest provisions of Localism Act 2011, a complaint being made to the police to consider criminal proceedings.

3 Development Proposals and Personal Interests under the Members' Code

- 3.1 **Do** disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with officers and other Members. Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter.
- 3.2 **Do take into account when approaching a decision** that the Principle of Integrity is defined in terms that "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 declare and resolve any interests and relationships**".

It is therefore advisable that you:

- 3.3 **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a disclosable or other personal conflict of interest in a proposal, using your position to discuss that proposal with officers or Members when other members of the public would not have the same

opportunity to do so.

- 3.4 **Do** note that you are not prevented from seeking to explain and justify a proposal in which you may have a conflict of interest to an appropriate officer, in person or in writing, but that your role as a councillor may place additional limitations on you in representing the proposal in which you have a personal interest.
- 3.5 **Do not act as agent for people pursuing planning matters within the Council area, even if you are not involved in decision making on it.**
- 3.6 **Do** then act accordingly.
- In addition, where you have a disclosable pecuniary interest [DPI]**
- 3.7 **Don't** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority.
- 3.8 **Don't** try to represent Ward views, or comment on the planning proposal as Ward Member, but get another Ward Member to do so instead.
- 3.9 **Don't** get involved in the processing of the application.
- 3.10 **Don't** make written representations to members of the committee considering the application.
- 3.11 **Do** notify the Monitoring Officer and Assistant Director Planning Strategy and Development Management in writing of your own planning, listed building or conservation area consent application (and that of any close relative or friend of which you are aware) or of any such application affecting land you own and note that:
- notification to the Monitoring Officer and Assistant Director Planning Strategy and Development Management should be made no later than submission of the application;
 - the proposal will always be reported to the Committee as a main item and not dealt with by officers under delegated powers;
 - it is advisable that you employ an agent to act on your behalf on the proposal in dealing with officers and any public speaking at Committee;
 - you should take no part in the application's consideration or processing;
 - you do have a right to make written representations to officers about the proposal but may not address the planning meeting unless you have obtained a dispensation from the Monitoring Officer or Standards Committee.
- 3.12 **Officers' planning applications:** the same rules apply as for councillors except that you may address the Planning Committee. You should not act as agent for people pursuing