



# Seaton Town Council Constitution

## Chapter 5 Members' Code of Conduct

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## **Introduction**

Pursuant to section 27 of the Localism Act 2011, Seaton Town Council ('the 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.

This Code of Conduct is based on the following seven principles of public life:

- Selflessness:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.
- Integrity:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in performance of their official duties.
- Objectivity:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- Accountability:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- Openness:** Holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions, and the decisions of the Council and restrict information only when the wider public interest clearly demands.
- Honesty:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protect the public interest.
- Leadership:** Holders of public office should promote and support these principles by leadership and example.

## **Definitions**

For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or subcommittee 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 or sub-committee.

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, he/she has the following obligations;

1. He/she will declare any Disclosable Pecuniary Interests and Personal Interests as appropriate
2. He/she will promote and support high standards of conduct when serving in their public post, in particular as characterised by the above principles of public life, by leadership and example.
3. He/she shall behave in such a way that a reasonable person would regard as respectful.
4. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
5. He/she shall not seek to improperly confer an advantage or disadvantage on any person.
6. He/she shall use the resources of the Council in accordance with its requirements.
7. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.
8. He/she shall not conduct themselves in a manner or behave in such a way so as to bring their office or the Council into disrepute. The reputation of the Council depends on your conduct and what the public believes about your conduct. It is not enough to avoid actual impropriety, you should at all times avoid any occasion for suspicion or appearance of improper conduct.

9. 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.
10. Do nothing as a Member which you could not justify to the public.
11. It is your responsibility to comply with the provisions of this Code.

### **Registration of interests**

Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register all interests which fall within the categories set out in Appendices A and B.

Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register any interests in Appendices A and B.

A member shall register any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.

A member need only declare on the public register of interests the existence but not the details of any interest which the Monitoring Officer at East Devon District Council agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

### **Declaration of interests**

Where a matter arises at a meeting which relates to an interest in Appendix A (a Disclosable Pecuniary Interest) the member shall not participate in the discussion or vote on the matter. The member must declare that they have an interest and shall withdraw from the room at the commencement of the consideration of that business.

Where a matter arises at a meeting which relates to an interest in Appendix A (a Disclosable Pecuniary Interest) which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. The member must declare that they have an interest and shall withdraw from the room at the commencement of the consideration of that business.

Where a matter arises at a meeting which relates to an interest in Appendix B (a Personal Interest), the member can participate in the discussion and vote on the matter but must declare that they have a Personal Interest.

### **Dispensations**

On a written request made to the Council's Proper Officer (an official delegation to the Town Clerk), the Council may grant a member a

dispensation to participate in a discussion and vote on a matter at a meeting even if he/she has an interest in Appendices A and B.

Dispensations can be granted where it is considered that:

- a) Without the dispensation, the number of persons who could not take part due to their disclosable pecuniary interest would be so great as to impede the transaction of the business;
- b) Without the dispensation, the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
- c) Granting the dispensation is in the interests of persons living in the authority's area;
- d) Without the dispensation, each executive member would be prohibited from participating in any particular business to be transacted by the authority's executive as they would have a disclosable pecuniary interest; or
- e) It is otherwise appropriate to grant a dispensation

The reason for the dispensation and the period for which it has effect will be formally minuted. The period specified may not exceed four years."

Reviewed – May 2017

## APPENDIX A

**Disclosable Pecuniary Interests (DPI's)** are things that affect you, your spouse, civil partner or person with whom you are living as if you were husband and wife or civil partners, in the following ways:

<b>Subject</b>	<b>Prescribed description</b>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain (i.e. profit, salary or benefit in kind)
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by him/her in carrying out duties as a member, or towards the election expenses of him/her
	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 which is made between the relevant person (or body in which the relevant person has a beneficial interest) and the relevant authority -
	(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 relevant authority
Licences	Any licence (along 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 members knowledge) -
	(a) The landlord is the relevant authority; and
	(b) The tenant is a body in which the relevant person 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 relevant authority; and
	(b) Either -

<b><i>Subject</i></b>	<b><i>Prescribed description</i></b>
	(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 nominated value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issues share capital of that class

**It is a criminal offence to participate in any business before the Council in which you have a DPI. If you have a DPI, the law requires you to declare the DPI and leave the room immediately without saying anything for that item of business**

## APPENDIX B

### Personal Interests

Please give details of your membership of, or any position of general control or management, of any bodies in the categories listed below and of any gifts and hospitality received worth over £25.

An interest which relates to, or is likely to affect:

1. Membership of any Body or Organisation to which you have been appointed or nominated by Seaton Town Council as its representative
2. Membership of any other body exercising functions of a public nature (*e.g. Devon County Council or East Devon District Council; Health, Police or Fire Authority or Quasi Autonomous Non-Governmental Body*)
3. Membership of any body directed to charitable purposes (*e.g., an Industrial and Provident Society or Charitable Body*)
4. Membership of any Body whose principal purpose is to influence public opinion or policy or which, in your view, might create a conflict of interest in carrying out their duties as a Seaton Town Councillor. (*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)*)
5. Any land where the landlord is Seaton Town Council, and you are, or a firm in which you are a partner or a company of which you are a paid director is the tenant
6. Any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income. [This includes options to purchase which you have on land in Seaton]
7. Any gifts or hospitality worth more than an estimated value of £25 which you have received by virtue of your office