

This Code sets out how Lapford Parish Councillors must maintain a high standard of behaviour when they conduct the business of the Council. It also sets out the requirement for Councillors to register and disclose their pecuniary and personal interests to ensure Council decisions are not improperly influenced.

CODE OF CONDUCT

Lapford Parish Council

DOCUMENT CONTROL

Date	Version	Status	Description
dd.mm.yy	1.0	Final	Code of Conduct approved and adopted at Full Council Meeting held on xx (Minute: xx).
26/04/19	1.1	Revision	Revisions include addition of the Document Control, Section1, Dispensation Request Form. Document put into corporate format and style.
14/05/19	2.0	Final	Approved at Annual Meeting of the Council on 14/05/19 (Minute 19.175).

Review Cycle

Every year at the Annual Meeting of the Council or in response to new or amended statutory requirements.

This document must be approved by Full Council. A copy should be provided to the Monitoring Officer at Mid Devon District Council.

Legislation

Localism Act 2011 Chapter 7 – sets out the standards required to promote and maintain high standards of conduct.

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012/1464) – Defines the disclosable pecuniary interests that must be recorded on a Register of Interests.

1. SEVEN PRINCIPLES OF PUBLIC LIFE

Pursuant to section 27 of the Localism Act 2011, Lapford Parish 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 co-opted 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 close associates.
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 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.

2. DEFINITIONS

For the purposes of this Code, the following definitions apply -

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, a neighbour 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.

Interest or interests have the meanings set out in para 6.5 this Code.

Meeting of the Council means:

- any meeting of the Full Council;
- any meeting of the Council's committees, sub-committees or working groups; or
- informal meetings where a formal record is taken by a Council Officer with other Members and/or with officers or both relating to the discharge of the Council's functions.

Member means a member of the Council, i.e. both elected or co-opted to the Council

Member of your family means:

- A 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 your partner;
- A brother/sister, grandparent/grandchild, uncle/aunt, nephew/niece; or
- The partners of any of these persons.

3. PUBLIC DUTY AND PRIVATE INTERESTS

- 3.1 This Code applies to you as a Member of the Council.
- 3.2 You should have regard to the Principles of Public Life namely, Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.
- 3.3 When acting in your capacity as a Member of the Council –
 - 3.3.1 you must act solely in the public interest and should never improperly or knowingly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family or close associate;
 - 3.3.2 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;
 - 3.3.3 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;
 - 3.3.4 you are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office;
 - 3.3.5 you must be as open as possible about your decisions and actions and the decisions and actions of the 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 Standing Orders;
 - 3.3.6 you must declare any private interests, both pecuniary, non-pecuniary and 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 Sections 6 - 8 of this Code;
 - 3.3.7 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;
 - 3.3.8 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; and
 - 3.3.9 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.
- 3.4 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.
- 3.5 Do nothing as a Member which you could not justify to the public.
- 3.6 The reputation of the Council depends on your conduct and what the public believes about your conduct.
- 3.7 It is not enough to avoid actual impropriety, you should at all times avoid any occasion for suspicion or appearance of improper conduct.
- 3.8 It is your responsibility to comply with the provisions of this Code.

4. SCOPE

- 4.1 You must comply with this Code whenever you are acting in your official capacity, when:
 - 4.1.1 you are engaged on the business of the Council; or
 - 4.1.2 you behave so as to give a reasonable person the impression that you are acting as a representative of the Council.

5. GENERAL OBLIGATIONS

- 5.1 You **must** –
 - 5.1.1 treat others with courtesy and respect; and
 - 5.1.2 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.
- 5.2 You **must not** –
 - 5.2.1 attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;
 - 5.2.2 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);
 - 5.2.3 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);
 - 5.2.4 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;
 - 5.2.5 do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council;
 - 5.2.6 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;

- 5.2.7 prevent another person from gaining access to information to which that person is entitled by law; or
- 5.2.8 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.

6. REGISTRATION OF INTERESTS

- 6.1 You **must**, within 28 days of -
 - 6.1.1 this Code being adopted by, or applied to, the Council; or
 - 6.1.2 your taking office as a Member of the Council, provide written notification to Mid Devon District Council's Monitoring Officer of:
 - (i) any disclosable pecuniary interest as defined by Regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife; and
 - (ii) any other pecuniary, non-pecuniary, personal or voluntary interests laid down by the Council, as set out in para 6.5 below;which will be recorded in the Council's Register of Members' Interests and made available for public inspection on the Mid Devon District Council's website at www.middevon.gov.uk/your-council/town-parish-councils/chawleigh/
- 6.2 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 Mid Devon District Council's Monitoring Officer.
- 6.3 If an interest has not been entered onto the Council's Register of Members' Interests, then you must disclose the interest to any meeting of the Council at which you are present, where you have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'
- 6.4 Following any disclosure of an interest not on the Council's Register of Members' Interests or the subject of pending notification, you must notify Mid Devon District Council's Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
- 6.5 The interests you must register are:
 - 6.5.1 those disclosable pecuniary interests defined by Regulations (Appendix A); and
 - 6.5.2 those other pecuniary, non-pecuniary, personal and voluntary interests as set out in Appendix B.
- 6.6 Where the Mid Devon District Council's Monitoring Officer agrees that any information relating to your interests is "sensitive information", namely information whose availability for inspection by the public is likely to create a serious risk that any person may be subjected to violence or intimidation, you need not include that information when registering that interest, or, as the case may be, any change to that interest.
- 6.7 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded is no longer sensitive information, notify Mid Devon District Council's Monitoring Officer asking that the information be included in the Council's Register of Members' Interests.

7. DECLARATION OF INTERESTS

- 7.1 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 6.5 above and you must also observe the restrictions the Council may also place on your involvement in matters where you have any other pecuniary, non-pecuniary, personal or voluntary interest as defined by the Council and shown at para 6.5 above.

Where you have a disclosable pecuniary interest or other pecuniary, non-pecuniary, personal or voluntary interest in any business of the Council and you attend any meeting of the Council at which that business is to be considered, you must disclose to that meeting the existence and nature of that interest.

You must disclose any disclosable pecuniary interest, other pecuniary, non-pecuniary, personal or voluntary interest in accordance with the Council's reasonable requirements, and 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.

Where you have a disclosable pecuniary interest in any business:

- (a) you must not seek to influence improperly a decision about that business; and
- (b) you must withdraw from the room or chamber where a meeting considering the business is being held as soon as it becomes apparent that the business is being considered at that meeting

unless you have obtained a dispensation from the Council's Clerk.

8. DISPENSATIONS

- 8.1 You must complete a Dispensation Request Form (Appendix C) for consideration by the Clerk before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
- 8.2 On a written request made to the Council's Clerk, a dispensation may be granted to you to participate in a discussion and vote on a matter at a meeting even if you have an interest as set out in Appendices A and B. A Dispensation may be granted if having regard to all the relevant circumstances, the criteria in under section 33 of the Localism Act 2011 are met. The criteria being:
- 8.1.1 the number of persons prohibited from speaking would be so great a proportion that it would impede council business;
 - 8.1.2 without a dispensation it would upset the political balance to such an extent it would affect the outcome of the vote;
 - 8.1.3 it is in the interests of the persons living in the area; or
 - 8.1.4 it is otherwise appropriate to grant a dispensation.
- 8.3 A dispensation may be awarded for a specific Council meeting or for a time period up to a maximum of four years.

APPENDIX A

Disclosable Pecuniary Interests

The Disclosable Pecuniary Interests listed below are defined by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012/1464). They are defined as an interest that a relevant person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

Disclosable Pecuniary Interest	Description
Employment, Office, Trade, Profession or Vocation	Any employment, job, trade, business or vocation you have, for which you receive any benefit or gain (i.e. profit, salary or benefit in kind) and any employer or body, firm or company which you own or in which you have any beneficial interest.
Sponsorship	Any person or body (other than the Parish 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 Parish Councillor.
Securities: Interests in Companies	Any body which has a place of business or owns land in the Parish Council's area and in which you have a beneficial interest (a shareholding) of more than £25,000 (nominal value) or more than 1/100th of the total shares 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 1/100th of the total shares of that class.
Contracts: for Goods, Works or Services with Chawleigh Parish Council	Any current, existing contracts for goods, works or services between the Parish Council and you and 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 Securities above.
Landholdings and Licenses in the Area	Any land or property in the Parish Council's area in which you have a beneficial interest, 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. This includes the land and house you live in and, e.g. an allotment you own or use.
Corporate Tenancies: Land leased from Chawleigh Parish Council	Any land leased or licensed from the Parish Council by 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 Securities above).

APPENDIX B

Personal Interests

Personal Interests are not defined by legislation. They comprise other pecuniary, non-pecuniary, personal and voluntary interests laid down by the Council. You have a personal interest in any business of the Council where it relates to or is likely to affect the following:

Ref	Personal Interest
B1	Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council.
B2	Any body of which you are a member or in a position of general control or management that
B2.1	exercises functions of a public nature, e.g. County or Parish Council; Health, Police or Fire Authority or Quasi Autonomous Non-Governmental Body;
B2.2	Is directed to charitable purposes, e.g. an Industrial and Provident Society or Charitable Body; or
B2.3	Is one of whose principal purposes includes the influence of public opinion or policy, e.g. Political Party; Trade Union, Professional Association, Local Action Forum, Civic Society.
B3	Any land where the landlord is the Parish Council and you are, or a firm in which you are a partner, a company of which you are a remunerated director or the tenant.
B4	The interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25.
B5	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 Lapford Parish Council).
B6	Prejudicial Interest - 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. When declaring a prejudicial interest, consideration should be given to the possible influence of your close associates.
B7	Voluntary Interest - the Council's policy is that, in addition to any of the statutory or other declarations listed above, you are invited to also declare membership of any body which, in their view, might create a conflict of interest in carrying out your duties as a Councillor, such as membership of the Freemasons or similar body.

APPENDIX C

Dispensation Request Form

The form must be completed by the councillor wishing to be granted a dispensation to participate in and vote on a matter at a meeting even if they have a disclosable pecuniary interest in the matter. On receipt of the written request, the Clerk may grant a dispensation if having regard to all the relevant circumstances, the criteria in under section 33 of the Localism Act 2011 are met.

Please give full details of the following in support of your application for a dispensation. If you need any help completing this form, please contact the Clerk.

DETAILS OF DISPENSATION REQUEST	
Name	
The business for which you require a dispensation (refer to agenda item number if appropriate)	
Details of your interest in that business	
Date of meeting or time period (up to 4 years) for which the dispensation is sought	
Dispensation requested to participate, or participate further, in any discussion of that business by the Council	Yes / No
Dispensation requested to participate in any vote, or further vote, taken on that business by the Council	Yes / No
REASON(S) FOR DISPENSATION – Section 33 of the Localism Act 2011	
S33a - Without the dispensation the number of persons unable to participate in the transaction of business would be so great as to impede the transaction of business	
S33b - Without the dispensation, the representation of different political groups would be affected so as to alter the likely outcome of any vote	
S33c - The dispensation is in the interests of persons living in the authority's area	
S33d - It is otherwise appropriate to grant a dispensation	Reason:

Signed: _____ Date: _____

DECISION

Dispensation granted: YES / NO Length of dispensation: _____

Comments:

Signed: _____ Clerk to Lapford Parish Council

Date: _____ Minute number: _____