



Tavistock Town Council

Members Code of Conduct

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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 Tavistock Town Council ('the Council').
 - 1.2.1 When acting in your capacity as a Member or Co-opted Member of the Council, 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 or close associate;

"meeting" means any meeting of:

- the Council;
- any of the Council's Committees, Sub-Committees or Joint Committees,
- one or more Members, formal or informal relating to the discharge of the Council's functions where a formal record is made by a Council Officer.

"member" includes an elected member and a co-opted member

"monitoring officer" means the Monitoring Officer of West Devon Borough Council

"proper officer" means the officer appointed by the Town Council to discharge the duties associated with that role (Town Clerk)

'register' means the register of disclosable pecuniary interests maintained by the Monitoring Officer of West Devon Borough Council

"Relevant person" means:

- you or
- your spouse or civil partner, or
- a person with whom you are living as husband and wife or as civil partners and you are aware that that other person has an interest

"relevant period" means a period of 12 months ending with the date on which you notified the Monitoring Office of an interest

'disclosable pecuniary interest' means an interest described in Para's 6.4 -7.1 of this Code and which is an interest of a Member or an interest of (i) that Member's spouse or civil partner; (ii) a person with whom that Member is living as husband or wife; or (iii) a person with whom that Member is living as if they were civil partners, and that Member is aware that that other person has the interest

'personal or other interests' means an interest defined in para 7.2 of this Code

"the Regulations" means 'The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI2012/1464)' or any statutory amendment of them

Scope

3. Subject to the following two paragraphs (i-ii) of this Code you must comply with this Code whenever you:
- (a) conduct the business of the Council, which in this Code includes the business of the office to which you have been elected or appointed; or
 - (b) act, hold yourself out as acting or conduct yourself in such a way that a third party could reasonably conclude that you are acting as a representative of the Council

and references to your official capacity are construed accordingly.

- i) Where you are also a member of an authority other than the Council you must make sure that you comply with the relevant Code of Conduct depending on which role you are acting in. Your conduct may be subject to more than one Code of Conduct depending on the circumstances. Advice can be sought from the Proper Officer of the Council.

- ii) where you act as a representative of the Council:
 - o on another authority which has a Code of Conduct, you must, when acting for that other authority, comply with that other authority's Code of Conduct; or
 - o on any other body, you must, when acting for that other body, comply with this Code of Conduct, except and insofar as it conflicts with any lawful obligations to which that other body may be subject.

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;

(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.

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 Borough Council's Monitoring Officer of:

- (i) any disclosable pecuniary interest as defined by Regulations, 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 at: www.westdevon.gov.uk

- 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 Borough Council's Monitoring Officer.
- 6.2 Whether or not an interest within paragraphs 7.1 and 7.2 below has been entered onto the Council's register, you must disclose any interest to 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 Borough Councils Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
- 6.4 In relation to **disclosable pecuniary interests** in this Part of the Code the expressions in the left hand column below have the meanings attributed to them in the right hand column:

"body in which the relevant person has a beneficial interest"	means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director or in the securities of which the relevant person has a beneficial interest
"director"	includes a member of the committee of management of an industrial and provident society
"land"	excludes an easement, servitude, interest, or right over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income

“relevant authority”	means the authority of which you are a member
“relevant person”	means you, your spouse or civil partner, a person with whom you are living with as husband and wife or a person with whom you are living with as if you are civil partners
“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

Disclosable Pecuniary Interests

7. The interests you **must** register are:

7.1 Those **disclosable pecuniary interests** defined by the Regulations, namely:

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

(b) **Sponsorship** - any payment or provision of any other financial benefit (other than from the 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 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) **Contracts** - any contract which is made between you or, so far as you are aware, a relevant person (as defined at Paragraph 2 above) (or a body in which the relevant person has a beneficial interest) 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) **Land** - any beneficial interest in land held by you, or so far as you are aware, a relevant person, which is within the area of the Council;

(e) **Licence** - 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 area of the Council which will last for a month or longer

(f) **Corporate Tenancies** - 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) **Securities** - any beneficial interest that you or, so far as you are aware, a relevant person has in securities of a body where:

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

(2) either:

(a) 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.

Personal or other interests

7.2 Those other personal interests - you have a non-pecuniary interest where a decision in relation to a matter being determined or to be determined:

(a) might reasonably be regarded as affecting the financial position or well being of you; a member of your family or any person with whom you have a close association; or any body or group which you are a member of more than it might affect the majority of council tax payers, rate payers or inhabitants in the parish; and

(b) the interest is such that a reasonable person with knowledge of all the relevant facts would consider your interest so significant that it is likely to prejudice your judgement of the public interest.

(c) any other area which, in your view, might create a conflict of interest in carrying out your duties as a Councillor, including but not confined to the receipt of gifts or hospitality to a value greater than £50.

7.3 Where the Borough 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.

7.4 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 Borough Council's Monitoring Officer asking that the information be included in the Council's Register of Members' Interests.

Declaration of Interests and participation in meetings

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 the Regulations 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 Paragraph 7 above.

8.1 If you are present at a meeting and you are aware that you have a non-registerable interest which meets the tests set out in para 7.2 or a disclosable pecuniary interest in any matter being considered or to be considered at the meeting you must disclose that interest to the meeting if that interest is not already entered in the register and, unless you have the benefit of a current and relevant dispensation in relation to that matter, you must:

- not participate, or participate further, in any discussions of the matter at

- the meeting;
- not participate in any vote, or further vote, taken on the matter at the meeting; and
- remove yourself from the room while any discussion or vote takes place on the matter, to the extent that you are required to absent yourself in accordance with the Council's standing orders or other relevant procedural rules.

8.2 Where a Member has a non-registerable interest in a matter to which paragraph 8.1 relates that does not benefit from a valid dispensation and that interest arises only from the Member's participation in or membership of a body whose objects or purposes are charitable, philanthropic or otherwise for the benefit of the community or a section of the community the Member may [with the permission of the Chairman of the meeting or until such time as the Chairman directs the Member to stop] address the meeting to provide such information as they reasonably consider might inform the debate and decision to be made before complying with paragraph 8.1.

PART 3 MEMBER/OFFICER RELATIONS

PREAMBLE - Mutual trust and respect between Councillors and Officers is essential to ensure good governance and the effective running of a council. To help ensure that relationships do not go awry this written protocol, incorporated in the Code of Conduct, covers:

- *The respective roles and responsibilities of the Councillors and the Clerk, and all other staff employees;*
- *Relationships between Councillors and Officers;*
- *Where/Who the Clerk should go to if they have concerns;*
- *Who is responsible for making decisions.*

9 Tavistock Town Council has adopted the following Protocol as part of the Code of Conduct for Members.

9.1. Background

- i) This protocol is intended to assist Councillors and the Clerk, in approaching some of the sensitive circumstances which arise in a challenging working environment.
- ii) The reputation and integrity of the Council is significantly influenced by the effectiveness of Councillors, the Clerk and other staff working together to support each other's roles.
- iii) The aim is effective and professional working relationships characterised by mutual trust, respect and courtesy. Close personal familiarity should be avoided.

10. Roles of Councillors and Employees

10.1 The respective roles of Councillors and employees can be summarised as follows: Councillors and Officers are servants of the public and they are indispensable to one and other, but their responsibilities are distinct:

- Councillors are responsible to the electorate and serve only so long as their term of office lasts.

- Officers are responsible to the Council. Their job is to give advice to Councillors and to the Council, and to carry out the Council's work under the direction and control of the Council and relevant committees.

11 Councillors

11.1 Councillors have four main areas of responsibility:

- To determine Council policy and provide community leadership;
- To monitor and review Council performance in delivering services;
- To represent the Council externally; and
- To act as advocates for their constituents.

11.2 All Councillors have the same rights and obligations in their relationship with the Clerk and other employees, regardless of their status or political party, and should be treated equally.

11.3 Councillors shall not involve themselves in the day to day running of the Council. This is the Clerk's responsibility, and the Clerk will be acting on instructions from the Council or its Committees, within an agreed job description.

12 Chairmen and Vice-Chairmen of Committees

Committee Chairmen and Vice-Chairmen have additional responsibilities. These responsibilities mean that their relationships with employees may be different and more complex than those of other Councillors. However, they must still respect the impartiality of Officers and must not ask them to undertake work of a party political nature, or to do anything which would prejudice their impartiality.

13 Officers

The role of Officers is to give advice and information to Councillors and to implement the policies determined by the Council.

In giving such advice to Councillors, and in preparing and presenting reports, it is the responsibility of the Officer to express his/her own professional views and recommendations. An Officer may report the views of individual Councillors on an issue, but the recommendation should be the Officer's own. If a Councillor wishes to express a contrary view they should not pressurise the officer to make a recommendation contrary to the officer's professional view, nor victimise an officer for discharging his/her responsibilities.

14 Expectations

14.1 All Councillors can expect:

- a commitment from Officers to the Council as a whole, and not to any individual Councillor, group of Councillors or political group;
- a working partnership;
- Officers to understand and support respective roles, workloads and pressures;
- A timely response from Officers to enquiries and complaints;

- Officer's professional advice, not influenced by political views or personal preferences;
- regular, up to date, information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities or positions that they hold;
- Officers to be aware of and sensitive to the public and political environment locally;
- Respect, courtesy, integrity and appropriate confidentiality from Officers;
- training and development opportunities to help them carry out their role effectively;
- not to have personal issues raised with them by Officers outside the council's agreed procedures;
- that Officers will not use their contact with Councillors to advance their personal interests or to influence decisions improperly;
- that Officers will at all times comply with the relevant code of conduct.

14.2 Officers can expect from Councillors:

- a working partnership;
- an understanding of, and support for, respective roles, workloads and pressures;
- leadership and direction;
- respect, courtesy, integrity and appropriate confidentiality;
- not to be bullied or to be put under undue pressure;
- that Councillors will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly;
- that Councillors will at all times comply with the Council's adopted Code of Conduct.

14.3 Some General Principles:

- Close personal relationships between Councillors and Officers can confuse their separate roles and get in the way of the proper conduct of Council business, not least by creating a perception in others that a particular Councillor or Officer is getting preferential treatment.
- Special relationships with particular individuals or party political groups should be avoided as it can create suspicion that an employee favours that Councillor or political group above others.

15. **Political Groups**

15.1 The operation of political groups is becoming more of a feature within town/parish councils, but Tavistock Town Council endorses NALC policy that party politics should have no place in town/parish councils. Parish Councillors are there to serve their community as members of the community, and should not be distracted by party political issues. Party politics within a town council can pose particular difficulties in terms of the impartiality of the Clerk and other employees, and the relationship between Councillors and the staff generally.

15.2 Party political groups have no power to require the Clerk or any other employee to attend group meetings or to prepare written reports for them and employees can legitimately refuse to do so. The Clerk and other Officers are responsible to the Council as a whole and should not take action under instructions from any individual Councillor, even if he/she has been styled as 'Leader' of the Council.

16 **When things go wrong**

- 16.1 From time to time the relationship between Councillors and the Clerk (or other employees) may break down or become strained. Whilst it is always preferable to resolve matters informally, through conciliation by an appropriate third party, it is important that the Council follows a formal grievance protocol or procedure.
- 16.2 The law requires all employers to have disciplinary and grievance procedures. Adopting a grievance procedure enables individual employees to raise concerns, problems or complaints about their employment in an open and fair way when things go wrong.
- 16.3 If a Councillor is dissatisfied with the conduct, behaviour or performance of the Clerk or another employee, the matter should be raised with the Clerk in the first instance (unless the matter relates to the Clerk when it shall be raised with the Mayor). If the matter cannot be resolved informally, it may be necessary to invoke the council's disciplinary procedure.