

STANDARDS REGIME

Portfolio Holder Cllr Peter Hare-Scott
Responsible Officer: Head of Communities & Governance and Monitoring Officer

Reason for Report: To provide Members with an update of the discussions from the Member meeting on the 8th February which considered how effective the new standards regime changes have been since their introduction on 1st July 2012.

RECOMMENDATION(S): The Committee recommend to Full Council that (a) the revised Code of Conduct attached as Appendix 1 is approved and adopted by MDDC and (b) MDDC revert back to having a separate Standards Committee and approve the model laid out in section 3.2 points I to iv

Financial Implications: None

Legal Implications: None

Risk Assessment: None

1.0 Introduction

1.1 At Full Council on the 27th June 2012, it was agreed that the new standards regime arrangements would be assessed after six months to ascertain their effectiveness. An all Member meeting took place on 8th February 2012 and the purpose of this paper is to give Members feedback from that meeting and to make recommendations to Full Council.

2.0 Code of Conduct

2.1 Members felt that the current Mid Devon Code of Conduct was long winded, over complicated and not designed to encourage people to read it. Members felt that the Southwark Council and Exeter City Council codes were simple, clear and well laid out. Therefore it is recommended that the revised Code of Conduct for Mid Devon District Council is approved and adopted by Full Council.

3.0 Audit Committee versus a separate Standards Committee

3.1 Members felt that the volume of the Audit Committee's workload is such that they may not be able to give the Standards items the appropriate attention i.e. if reviewing the Constitution or a Code of Conduct report. Therefore, Members felt that it would be appropriate to revert back to having a separate Standards Committee.

3.2 The Members preferred model for the Standards Committee is that:

- i. The Committee has two scheduled meetings a year to deal with statutory and constitutional items but with the option of adding additional meetings if required
- ii. The Standards Committee comprise of 9 Members
- iii. Hearings be dealt with by sub committees consisting of three Members of the Standards Committee
- iv. The Standards Committee should not have parish council or independent member representation

Contact for more Information: Amy Tregellas, ext 4246

Circulation of the Report: Cllr Peter Hare-Scott and Management Team

Member's Code of Conduct



Introduction

Pursuant to section 27 of the Localism Act 2011, Mid Devon District 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:

- 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 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, sub-committees, joint committees or joint sub-committees.

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 shall behave in such a way that a reasonable person would regard as respectful.
2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
3. He/she shall not seek to improperly confer an advantage or disadvantage on any person.
4. He/she shall use the resources of the Council in accordance with its requirements.
5. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.
6. 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

Registration of interests

7. 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.
8. 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.
9. A member shall register any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.

10. A member need only declare on the public register of interests the existence but not the details of any interest which the Monitoring Officer 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

11. Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. The member shall withdraw from the room at the commencement of the consideration of that business. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.
12. Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall withdraw from the meeting. He/she may speak on the matter before withdrawing only if members of the public are also allowed to speak at the meeting.
13. A member only has to declare his/her interest in Appendix B if it is not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter before withdrawing. If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.
14. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate, the member shall disclose the nature of the interest and withdraw from the meeting. He/she may speak on the matter before withdrawing only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

Dispensations

15. On a written request made to the Council's Monitoring Officer, 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 if the Monitoring Officer believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.

MID DEVON DISTRICT COUNCIL

**MEMBERS' CODE OF CONDUCT
GENERAL NOTICE OF REGISTERABLE INTERESTS**

I,

--

being a Member/Co-opted Member of Mid Devon District Council,

give notice in this form of those interests which I am required to declare under The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and Mid Devon District Council's Code of Conduct:

I understand that in so doing I must declare any interest of my spouse or civil partner or of any person with whom I am living as a husband or wife or if we were civil partners in sections 1-6 of this form as set out in the Council's Code of Conduct for Members. I have also declared my personal interests as required by the Code of Conduct in section 7 of this form.

APPENDIX A – DISCLOSABLE PECUNIARY INTERESTS

1. Employment, Office, Trade, Profession or Vocation

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

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

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

2. Sponsorship

Please give details of any person or body (other than the District 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 District Councillor.

--

3. Securities: Interests in Companies

Please give details of a body which has a place of business or owns land in the District 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

Note: It is not necessary to declare the nature or size of the holding, simply the name of the company or other body.

4. Contracts: for Goods, Works or Services with the Council

Please give details of any current, existing contracts for goods, works or services between the District 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 3 above.

5. Landholdings and Licenses in the Area

Please give the address or other description (sufficient to identify the location) of any land or property in the District Council's area in which you have a beneficial interest, indicating whether you are the owner, lessee or tenant, including land in which you may have a licence, alone or with others, to occupy for a period of one month or longer.

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

6. Corporate Tenancies: Land leased from Mid Devon District Council

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

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, your interests in land in the area of the District Council (other than those set out in sections 5 & 6) and of any gifts and hospitality received worth over £25.

Membership of any Body or Organisation to which you have been appointed or nominated by the District Council as its representative

Membership of any other body exercising functions of a public nature
(e.g. County or Parish Council; Health, Police or Fire Authority or Quasi Autonomous Non-Governmental Body)

Membership of any body directed to charitable purposes
(e.g., an Industrial and Provident Society or Charitable Body)

APPENDIX 1

<p>Membership of any Body whose principal purpose is to influence public opinion or policy <u>or</u> which, in your view, might create a conflict of interest in carrying out their duties as a District Councillor.</p> <p><i>(e.g. Political Party; Trade Union, Professional Association, Local Action Forum, Civic Society or Interest Group (e.g. National Trust; RSPB: Greenpeace or membership of the Freemasons or similar body)</i></p>	
<p>Any land where the landlord is the 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</p>	
<p>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 Mid Devon]</p>	
<p>Any gifts or hospitality worth more than an estimated value of £25 which you have received by virtue of your office</p>	

DECLARATION

I recognise that if I fail to comply with the Code of Conduct for Members of Mid Devon District Council or:

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

there may be a criminal offence and/or the matter may be referred to the Monitoring Officer/Council's Audit Committee for investigation.

Signed : Date.....

FOR OFFICE USE ONLY

Received: Date

