



MALDON DISTRICT COUNCIL

LOCAL CODE OF CONDUCT

(ADOPTED 5 JULY 2012)

PART 1 GENERAL PROVISIONS

INTRODUCTION AND INTERPRETATION

As a Member you are a representative of Maldon District Council (“the Authority”) and the public will view you as such. Therefore your actions impact on how the Authority as a whole is viewed and your actions can have both positive and negative impacts on the Authority.

This Code as a whole is consistent with “Nolan Principles” which are set out in **APPENDIX 1 set out in paragraph 3.1 below** and the provisions of S29(1) Localism Act 2011

In this Code:

- “meeting” means any meeting of:
 - (a) the Authority;
 - (b) any of the Authority’s committees, sub-committees, joint committees, joint sub-committees or areas committees;
 - (c) whether or not the press and public are excluded from the meeting in question by virtue of a resolution of Members;
 - (d) any briefings by officers and site visits organised by the Authority.
- “relevant period” means the period of 12 months ending with the day on which you give notification to the Authority’s monitoring officer of any disclosable pecuniary interests you had at the time of the notification.
- “profit or gain” includes any payments or benefits in kind which are subject to Income Tax
- “beneficial interest” means having an economic benefit as a legal owner or holding it on trust for the beneficial owner, having a right to the income from the land or securities or a share in it or the right to the proceeds of sale or share of part of the proceeds of sale
- “Member” includes a co-opted member.

1. WHO DOES THE CODE APPLY TO?

- 1.1 This Code applies to all Members of the Authority including co-opted members.
- 1.2 It is your responsibility to comply with the provisions of this Code.

2. WHAT DOES THE CODE APPLY TO?

~~2.1 You must comply with this Code whenever you—~~

- ~~(a) conduct the business of the Authority, or~~
- ~~(b) you are acting as a representative of the Authority.~~

~~2.2 This Code has effect in relation to your conduct in your official capacity.~~

2.1 You must comply with this Code whenever you conduct the business of your authority (which includes the business of the office to which you are elected or appointed) or act, claim to act or give the impression you are acting as a representative of your authority.

2.32 Where you act as a representative of the Authority:

- (a) on another relevant authority, you must, when acting for that other Authority, comply with that other Authority's code of conduct; or
- (b) on any other body, you must, when acting for that other body, comply with the Authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3. RULES OF CONDUCT

Principles of Public Life

3.1 As a Member of Maldon District Council you shall have regard to the Seven Principles of Public Life.

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 declare 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.

These general principles are the underlying principles behind the rules of conduct set out below.

3. GENERAL OBLIGATIONS

General Obligations

3.12 You must treat others with respect.

3.32 You must uphold the law.

3.34 You must not:

- (a) do anything which may cause the Authority to breach any of the equality enactments;
- (b) bully any person;
- (c) 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 a Member (including yourself) has failed to comply with the Authority's code of conduct; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.

3.5 You must:

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute;
- (b) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, the Authority.
- (c) comply with any request of the authority's Monitoring Officer or Section 151 Officer, in connection with an investigation conducted in accordance with their respective statutory powers.

~~4. CONFIDENTIAL INFORMATION~~Confidential Information~~4.13.6~~ You must not:

- (a) 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:
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the Authority;
- (b) prevent another person from gaining access to information to which that person is entitled by law.

PART 3
REGISTER OF MEMBERS INTERESTS

5.3. REGISTRATION OF MEMBERS' INTERESTS

~~911~~.1 Subject to paragraph ~~120~~, you must, within 28 days of:

- (a) this Code being adopted by or applied to the Authority; or
- (b) your election, re-election or appointment or re-appointment to office (where that is later), or co-opted onto the Authority;

register in the Authority's Register of Members' Interests (maintained by the Monitoring Officer under Section 29(1) of the Localism Act 2011) details of:

- (i) Disclosable Pecuniary Interests as referred to in paragraph ~~64~~ that you, your spouse, civil partner or person with whom you live as if they were your spouse or civil partner in so far as you are aware of their interests at that time;

~~(ii)~~ (ii) Other Pecuniary Interests referred to in paragraph ~~75~~ that you have.

~~(iii)~~ (iii) Non-Pecuniary Interests referred to paragraph ~~6~~ that you have.

~~911~~.2 Subject to paragraph 12, you must within 28 days of becoming aware of any new Disclosable Pecuniary Interest as referred to in paragraph 6 that you, your spouse, civil partner or person with whom you live as if they were your spouse or civil partner or change to any Disclosable Pecuniary Interest registered under paragraphs ~~119~~.1 (i) or (ii) above by providing written notification to your Authority's Monitoring Officer

6.4. SENSITIVE INFORMATION

~~102~~.1 Where you have a Disclosable Pecuniary Interest referred to in paragraph 6 or pecuniary interest referred to in paragraph 7 and the nature of the interest is such that you and the Authority's monitoring officer consider that disclosure of details of the interest could lead to you or a person connected with you being subject to violence or intimidation if the interest is entered in the Authority's Register then copies of the register available for inspection and any published version of the Register should not include details of the interest but may state that you have an interest details of which are withheld under s32(2) of the Localism Act 2011 and/or this paragraph.

~~102~~.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph ~~120~~.1 is no longer sensitive information, notify the Authority's monitoring officer.

~~102~~.3 In this Code "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subject to violence or intimidation.

~~7. CODE OF CONDUCT Appendix 1~~

~~THE NOLAN PRINCIPLES AND SECTION 28(1) OF
THE LOCALISM ACT 2011~~

~~SELFLESSNESS~~

~~To serve only the public interest and never improperly confer an advantage or disadvantage on any person~~

~~INTEGRITY~~

~~Not to place themselves in situations where their integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour~~

~~OBJECTIVITY~~

~~Make decisions on merit, including when making appointments, awarding Contracts or recommending individuals for rewards or benefits.~~

~~ACCOUNTABILITY~~

~~To be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their Office.~~

~~OPENNESS~~

~~To be as open as possible about their actions and those of the Council and should be prepared to give reasons for those actions.~~

~~HONESTY~~

~~Not to place themselves in situations where their honesty may be questioned, should not behave improperly and should, on all occasions, avoid the appearance of such behaviour.~~

~~LEADERSHIP~~

~~Should promote and support these principles by leadership and by example and should always act in a way that secures or preserves public confidence.~~