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Members' Code of Conduct

1. Purpose of the Code of Conduct

1.1 The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, Council officers and the reputation of local government

1.2 It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The Local Government Association encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

1.3 This Code of Conduct is based on the Model Code of Conduct produced by Local Government Association. The Local Government Association has also produced guidance on their Model Code of Conduct and regard should be had to that advice when considering the obligations and expectations of this Code. The guidance can be found here, although it should be noted that the Model Code of Conduct has not been adopted in its entirety and there is some local variation.

2. Definitions

2.1 For the purposes of this Code of Conduct;

2.2 a "**councillor**" means a member or co-opted member of Exmouth Town Council.

2.3 a "**disclosable pecuniary interest"** means an interest of yours, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 of Appendix B.

2.4 a **"partner"** means a spouse or civil partner, or a person with whom you are living as if you are a married couple, or a person with whom you are living as if you are civil partners.

2.5 a "**sensitive interest**" is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.

2.6 a "**co-opted member**" means a person who is not a member of Exmouth Town Council but who;

- sits on any committee or sub-committee of the Council, or;
- represents the Council on, any joint committee or joint sub- committee of the Council;
- whether or not they are entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

2.7 a "**meeting**" means any meeting of:

- the Council
- any of the Council's Committees, Sub-Committees, joint Committees, or Joint Sub-committees;
- one or more councillors, formal or informal and with or without officers, relating to the discharge of the Council's functions where a formal record is made by a Council officer.

3. General Principles of Councillor Conduct

3.1 Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the **Seven Principles of Public Life**, also known as the Nolan Principles (See Appendix A). Building on these principles, the following general principles have been developed specifically for the role of councillor.

3.2 In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

3.3 In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence;
- I ensure that public resources are used prudently in accordance with my Council's requirements and in the public interest.

4. Application of the Code of Conduct

4.1 This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor or coopted member.

4.2 You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

4.3 The Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct.

4.4 This code of conduct applies to you when you are acting in your capacity as a councillor which may include when you misuse your position as a councillor or your actions would give the impression to a reasonable member of the public, with knowledge of all the facts, that you are acting as a councillor;

4.5 The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication in
- in electronic and social media communication, posts, statements and comments.

5. Standards of councillor conduct - specific obligations

5.1 **Courtesy and Respect - as a councillor:**

- I treat other councillors and members of the public with courtesy and respect.
- I treat Council employees, employees and representatives of partner organisations and those volunteering for the Council with courtesy and respect and respect for the role they play.
- Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack. In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.
- In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the Council, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and Council employees, where concerns should be raised in line with the Council's Member / Officer Protocol.

5.2 **Bullying, harassment and discrimination - as a councillor:**

- I do not bully any person.
- I do not harass any person.
- I promote equalities and do not discriminate unlawfully against any person.

- I do not do anything which may cause the Council to breach a statutory duty or any of the equality enactments (as defined in section 33 of the Equality Act 2010)
- The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.
- The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.
- Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the Council's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

5.3 **Impartiality of officers of the Council – as a councillor:**

- I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the Council.
- Officers work for the Council as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

5.4 **Confidentiality and access to information – as a councillor:**

I do not disclose information given to me in confidence by anyone acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless:

- I have received the consent of a person authorised to give it;
- I am required by law to do so:

- the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person;
- or the disclosure is:
    - reasonable and in the public interest;
    - and made in good faith and in compliance with the reasonable requirements of the Council;
    - and I have consulted the Monitoring Officer prior to its release.

5.5 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

5.6 I do not prevent anyone from getting information that they are entitled to by law.

5.7 Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the Council must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5.8 **Disrepute – as a councillor:**

- I do not bring my role or Council into disrepute.
- As a councillor, you are trusted to make decisions on behalf of your community, and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your Council and may lower the public's confidence in your or your Council's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your Council into disrepute.
- You are able to hold the Council and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Council whilst continuing to adhere to other aspects of this Code of Conduct.

5.09 **Use of position – as a councillor:**

- I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.
- I will not act as agent for people pursuing planning matters within the Council's administrative area.
- Your position as a member of the Council provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

5.10 **Use of the Council's resources and facilities – as a councillor:**

- I do not misuse Council resources.

- I will 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;
- I will, when using the resources of the Council or authorising their use by others:
  - act in accordance with the Council's requirements; and
  - ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Council or of the office to which I have been elected or appointed.

You may be provided with resources and facilities by the Council to assist you in carrying out your duties as a councillor. Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of Council buildings and rooms

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the Council's own policies regarding their use.

5.11 **Complying with the Code of Conduct and the Council's codes and protocols– as a councillor:**

- I undertake Code of Conduct training provided by my Council.
- I cooperate with any Code of Conduct investigation and/or decision.
- I do not intimidate or attempt to intimidate any person who is likely to be a complainant, a witness or involved with the administration of any investigation or proceedings that any councillor has failed to comply with the Council's Code of Conduct.
- I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.
- I will comply with the Codes and Protocols forming part of the Council's Constitution

5.12 It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the Council or its governance. If you do not understand or are concerned about the Council's processes in handling a complaint you should raise this with the Monitoring Officer.

6 Protecting your reputation and the reputation of the Council

6.1 **Interests – as a councillor:**

- I register and disclose my interests in accordance with Appendix B.
- Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the Council.
- You need to register your interests so that the public, Council employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public

document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision-making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

- You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.
- **Appendix B** sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from the Monitoring Officer.

6.2 **Gifts and hospitality – as a councillor:**

- I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage.
- I register with the Monitoring Officer any individual gift or hospitality with an estimated value of at least £50 or number of gifts or hospitality from the same donor which individually are below the estimated value threshold but which cumulative result in an estimated value of at least £50 in any calendar year within 28 days of its receipt.
- I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.
- I disclose the existence of any gift or hospitality where I am present at a meeting where the gift or hospitality received is relevant to the matter of business being discussed irrespective of whether it has been entered into the register in accordance with paragraph 6.2.2 above.

6.3 In order to protect your position and the reputation of the Council, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact the Monitoring Officer for guidance.

Appendix A - The Seven Principles of Public Life ('the Nolan Principles')

The principles are:

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 disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and make 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 openly and transparently. 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.

Appendix B - Registering and disclosing interests

General

1. Within 28 days of becoming a councillor or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1** (**Disclosable Pecuniary Interests**) which are as described in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. You should also register details of your other personal interests which fall within the categories set out in **Table 2** (**Other Registerable Interests**). A co-opted member who has no voting rights is not expected to complete a register of interest.
2. When completing the register of interests, councillors shall provide sufficient information to properly describe the land **and** also provide HMLR title numbers or field numbers to enable land to be identified.
3. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

4. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees you can withhold the interest from the public register.

Nonparticipation in Case of Disclosable Pecuniary Interest

5. Where a matter arises at a meeting which ***directly relates*** to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. A dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which ***directly relates*** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests 'directly relating' to financial interest or wellbeing

7. Where a matter arises at a meeting which ***directly relates*** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in **Table 1**) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the
matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests 'affecting' financial interests or well-being

8. Where a matter arises at a meeting which ***affects*** –
   a. your own financial interest or well-being;
   b. a financial interest or well-being of a relative or close associate; or
   c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2** you must disclose the interest. To determine whether you can remain in the meeting after disclosing your interest the following test should be applied.
9. Where a matter (referred to in paragraph 8 above) affects the financial interest or well-being:
   a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
   b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

   You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

   If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain by the councillor or his / her **partner**.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. 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 made between the councillor or his / her **partner** (or a firm in which such person is a partner, or an incorporated body of which such person is ~~a~~ director* or a body that such person has a beneficial interest in the securities of#) and the Council — (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 and Property	Any beneficial interest in land which is within the area of the Council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her **partner** (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.

Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the Council; and (b) the tenant is a body that the councillor or his/her **partner** is a partner of or a director* of or has a beneficial interest in the securities# of.
Securities	Any beneficial interest in securities# of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the Council; and
	(b) either— (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 nominal value of the shares of any one class in which the councillor or his/ her **partner** has a beneficial interest exceeds one-hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

'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.

Table 2: Other Registerable Interests

You must register as an Other Registerable Interest: a) any unpaid directorships. b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by the Council. c) anybody (i) exercising functions of a public nature, (ii) directed to charitable purposes, or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management. d) membership of anybody which, in your view, might create a conflict in carrying out your duties as a councillor (such as membership of the Freemasons or any similar body).

THIS SECTION DOES NOT FORM PART OF THE CODE OF CONDUCT AND IS FOR GUIDANCE ONLY

LGA guidance on the Model Code of Conduct in relation to interests states:

'Directly relates to' means it must be directly about the interest rather than simply affecting it – e.g. discussing an application about a property in which there is a financial interest as opposed to a neighbouring property where there is no financial interest *or* considering an application for funding from an organisation of which you are a member as opposed to discussing an annual report from the organisation where no decision is required.

'Affects' means it is not directly about the interest but nevertheless the matter has clear implications for the interest – e.g. discussing a neighbour's planning application – and which can be positive (gain) or negative (loss) in impact.

'Well-being' can be described as a condition of contentedness and happiness and isn't just about finances but can include anything that could affect quality of life either positively or negatively whether temporarily or on a permanent basis.

'Relative or close associate' is likely to be someone who the councillor is in regular or irregular contact over a period of time who is more than an acquaintance – it may be a friend, a colleague, a business associate, someone known through general social contacts or someone who the councillor is known to

show animosity to - and who a reasonable member of the public might think the councillor would be prepared to favour or disadvantage when discussing a matter affecting them.

Guidance on Bias and Predetermination and predisposition

Councillors are permitted to have a pre-disposition towards a particular outcome. This means councillors can hold and express a view or inclination towards a future decision but requires a councillor to be open to having their views changed when it comes to the final decision.

Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you may participate in a decision on the issue in your political role as a member*. However, you must not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

When making a decision, consider the matter with an open mind and on the facts made available to the meeting at which the decision is to be taken. To take part in a discussion and decision on a matter with a closed mind (whether through bias or pre-determination) will put the Council at risk of a finding of maladministration and/or of legal proceedings. If a Councillor feels that they are biased or predetermined, then this should be recorded in the minutes and then they should not be involved in the discussion and vote.

*It should be noted that there more stringent rules on this in respect of planning decisions which are contained in the 'Code of Good Practice for Councillors and Officers dealing with planning matters'.

Reaffirmed 18th May 2026
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