



Office Hours
Monday to Friday
9am - 1pm

CHUDLEIGH TOWN COUNCIL

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CODE OF CONDUCT: MAY 2018

Introduction

Pursuant to section 27 of the Localism Act 2011, Chudleigh Town 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 principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

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 sub-committee 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. This applies both to face to face and written communication, including e mail and social media.
2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory. This applies both to face to face and written communication, including e mail and social media
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.

Registration of interests

6. 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 with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B.

7. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B

8. A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.

9. A member need only declare 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 at meetings

10. Where a matter arises at a meeting which relates to an interest in Appendix A the member shall not participate in a discussion or vote on the matter. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it.

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. 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.

11. Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting.

12. 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. 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.

13. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest in Appendix A), the member shall disclose the nature of the interest and not vote on the matter. He/she may speak on the matter 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

14. On a written request made to the Council's proper 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 Council 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.

Appendix A

Interests defined by regulations made under section 30(3) of the Localism Act 2011 and described in the table below.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, 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 member or between his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a body in which such a person is a partner in a firm, a director of an incorporated body or holds the beneficial interest in securities*) 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	Any beneficial interest in land which is within the area of the Council.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the member's knowledge)
	(a) the landlord is the Council; and
	(b) the tenant is a body in which the member, or his/her spouse or civil partner/ the person with whom the member is living as if they were spouses/civil partners has a beneficial interest.
Securities	Any beneficial interest in securities of a body where—
	(a) that body (to the member'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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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

Appendix B

An interest which relates to or is likely to affect:

(i) any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;

(ii) any body—

(a) exercising functions of a public nature;

(b) directed to charitable purposes; or

(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which the member of the Council is a member or in a position of general control or management;
(iii) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.

John Carlton
Town Clerk
9 May 2018

Appendix 1

Chudleigh Town Council

Protocol on Consultation Meetings with Developers Pre-application meetings and meetings during the application process

Guidance for Councillors

Pre-determination

The Localism Act 2011 makes it clear that it is proper for Councillors to play an active part in local discussions. In all meetings with developers Councillors are reminded of the need to abide by the Town Council's adopted Code of Conduct and the importance of not pre-determining their position on any future planning applications. It is noted that expressing a pre-disposition, e.g. 'welcome in principle' or 'have concerns' is permissible. However, should a Councillor demonstrate a pre-determination of their view about a specific planning application and not approach the matter with an open mind, then they should not take part in the formal consideration of that matter at a meeting of the Planning Committee or any other Town Council or Committee meeting.

Purpose of pre-application briefing meetings and meetings during the application process

- To be positive and proactive in engaging constructively with developers, the Local Planning Authority (*Teignbridge District Council*) and other service providers from an early stage
- To assist in identifying and engaging with other interested groups/organisations operating within the community in order to assist developers to publicise their proposals and related community involvement opportunities
- To seek to understand the full range of community interests the Town Council is representing with regard to particular development proposals
- To identify clearly, and at an early stage, the issues relating to development proposals that are a priority for the Town Council and the questions that need asking of the developer, the Local Planning Authority and/or other services
- To help with identifying gaps or pressures on existing services or facilities and to identify the need for local infrastructure improvement
- To acknowledge and respect the rights of all stakeholders to express their views

Procedure at pre-application briefing meetings

A pre-application briefing is a meeting of the Town Council or the Planning Committee at which a developer provides information on their proposed planning application to members of the Town Council and members of the public.

Developers are invited to provide the Town Council with a pre-application briefing which is:

- Without prejudice to the Town Council's response to the formal consultation

- Included as part of a meeting of the Town Council or the Planning Committee
- Advertised as part of the meeting agenda
- Open to members of the public in accordance with the Public Bodies (Admission to Meetings) Act 1960
- Included as part of the public record in the minutes of the meeting
- Subject to disclosure under the Freedom of Information Act

Procedure at meetings during the application process

The Town Council is a statutory consultee on planning applications within the parish of Chudleigh and the final decision on all planning matters rests with Teignbridge District Council. The Town Council has delegated powers to its Planning Committee to consider planning applications and to decide whether to support or object to an application, or to make any other relevant and appropriate comment

Developers are welcome to attend and speak at meetings at which planning applications are considered during the statutory consultation process, and which:

- Are open to members of the press and public in accordance with the Public Bodies (Admission to Meetings) Act 1960
- Have advertised the relevant planning application as part of the meeting agenda
- Include discussions as part of the public record in the minutes of the meeting
- Are subject to disclosure under the Freedom of Information Act

Commercial Confidentiality

The Council is prepared to meet privately with developers on the basis of commercial confidentiality, providing the following are accepted:

- The Council will determine for itself and to its satisfaction whether the matter is commercially confidential or not and reserves the right to obtain advice from a third party.
- A Council officer will be present at the meeting to take notes.
- These notes will be held, in confidence, by the Council.
- No statement or action of the individual councillors should be taken to indicate approval or otherwise by the Council of the matter under discussion.

For its part, the Council undertakes to maintain confidentiality of the matter discussed unless it is required to divulge such matter through legal or other requirement pertaining to its Code of Conduct.

Organising pre-application briefing meetings and attending meetings during the application process

Developers wishing to organise a pre-application briefing or attend a meeting during the planning application process should contact the Town Council.

Town Council's contact details

The Clerk
 Chudleigh Town Council
 Market Way
 Chudleigh
 Newton Abbot
 Devon
 TQ13 0HL

Tel: 01626 853140
 Email: Clerk@chudleigh-TC.gov.uk

