# Part 5 (2) –Members’ Code of Conduct (Extract)

# Part 1 – General Provisions

## **Introduction and interpretation**

* + 1. This Code applies to you as a member of the Authority, when acting in that capacity.
    2. This Code is based upon seven principles fundamental to public service, which are set out above. You should have regard to these principles as they will help you to comply with the Code.
    3. If you need guidance on any matter under this Code you should seek it from the Authority’s Monitoring Officer or your own legal adviser – but it is entirely your responsibility to comply with the provisions of this Code.
    4. It is a criminal offence to fail to notify the Authority’s Monitoring Officer of a disclosable pecuniary interest, to take part in discussions or votes at meetings, or to take a decision where you have disclosable pecuniary interest, without reasonable excuse. It is also an offence to knowingly or recklessly to provide false or misleading information to the Authority’s Monitoring Officer.
    5. Any written allegation received by the Authority that you have failed to comply with this Code will be dealt with by the Authority under the arrangements which it has adopted for such purposes. If it is found that you have failed to comply with the Code, the Authority has the right to have regard to this failure in deciding -
       1. whether to take action in relation to you and
       2. what action to take.

## (6) Councillors are required to comply with any request regarding the provision of information in relation to a complaint alleging a breach of the Code of Conduct and must comply with any formal standards investigation.

## (7) Councillors should not seek to misuse the standards process, for example, by making trivial or malicious allegations against another councillor for the purposes of political gain.

* + 1. In this Code—

*“Authority”* means Wealden District Council

*“Code”* means this Code of Conduct

*“co-opted member”* means a person who is not a member of the Authority but who -

* + - 1. is a Member of any Committee or Sub-Committee of the Authority, or
      2. is a Member of, and represents the Authority on, any Joint Committee or Joint Sub-Committee of the Authority,

and who is entitled to vote on any question that falls to be decided at any meeting of that Committee or Sub-Committee.

*"meeting"* means any meeting of the Authority:

* + - 1. the Executive of the Authority;
      2. any of the Authority's or its executive's Committees, Sub-Committees, Joint Committees, Joint Sub-Committees, or Area Committees;

"member" includes a co-opted member.

“register of members’ interests” means the Authority's register of members' pecuniary and other interests established and maintained by the Authority’s Monitoring Officer under section 29 of the Localism Act 2011.

## **Scope**

* + 1. Subject to sub-paragraphs (2) and (3), you must comply with this Code whenever you—
       1. conduct the business of your Authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
       2. act, claim to act or give the impression you are acting as a representative of your Authority,

and references to your official capacity are construed accordingly.

* + 1. This Code does not have effect in relation to your conduct other than where it is in your official capacity.
    2. Where you act as a representative of your Authority—
       1. on another relevant Authority, you must when acting for that other Authority comply with its Code of Conduct; or
       2. on any other body, you must, when acting for that other body, comply with your Authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

## General obligations

* + 1. You must treat others with respect.
    2. You must not—
       1. do anything which may cause your Authority to breach any of its equality duties (in particular as set out in the Equality Act 2010);
       2. bully or harass any person; (Note: Bullying may be characterised as: offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Harassment may be characterised as unwanted conduct which has the purpose or effect of violating and individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.)

For examples of conduct that constitute bullying or harassment see Annex A.

(c) Intimidate, or improperly influence, or attempt to intimidate, or improperly influence any person who is likely to be -

## a. a complainant,

1. a witness, or
2. involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her 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, your Authority.

(NOTE: The rest of the Code remains the same)