

NORTHAMPTON BOROUGH COUNCIL

MEMBERS' CODE OF CONDUCT

The Members' Code of Conduct is intended to promote high standards of behaviour amongst Councillors and Co-opted Members of the Council.

The Code is underpinned by the following seven Nolan principles of public life, which should be borne in mind when interpreting the meaning of the Code. Councillors and Co-opted Members should behave with:

- i. **Selflessness** – and act solely in terms of the public interest. They should not act in order to gain financial or other benefits for themselves, their family or their friends.
- ii. **Integrity** – and should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- iii. **Objectivity** – in carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits; choices should be made on merit.
- iv. **Accountability** – and are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- v. **Openness** – and should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- vi. **Honesty** – and declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- vii. **Leadership** – and should promote and support these principles by leadership and example.

PART 1

GENERAL PROVISIONS

1. Introduction and Interpretation

- 1.1. This Code applies to all elected Councillors and Co-opted Members of Northampton Borough Council.
- 1.2. The term “**the Authority**” used in this Code refers to Northampton Borough Council.
- 1.3. “**Councillor**” means any person being an elected or Co-opted Member of the Authority.
- 1.4. It is **your** responsibility to comply with the provisions of this Code.
- 1.5. In this Code:

“**Meeting**” means any meeting of:
 - (a) the Authority
 - (b) the executive of the Authority
 - (c) any of the Authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees
 - (d) any of the Authority’s advisory groups and executive boards, working parties and panels
- 1.6. “**Relevant Authority**” includes a County Council, a District Council or Parish Council. (It has the meaning given to it by Section 27(6) of the Localism Act 2011.)

2. **Scope**

- 2.1. You must comply with this Code whenever you act, claim to act or give the impression you are acting in your official capacity as a Councillor.
- 2.2. Where you act as a representative of the Authority:
 - (a) on another Relevant Authority, you must, when acting for that other authority, comply with their Code of Conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with this Code of Conduct, except where it conflicts with any other lawful obligations to which that other body may be subject.

3. General Obligations

3.1. You must treat others with respect.

3.2. You must not:

- (a) do anything which may cause the Authority to fall foul of UK equalities legislation
- (b) bully any person
- (c) intimidate or attempt to intimidate any person who is or may be:
 - (i) a complainant
 - (ii) a witness; or
 - (iii) involved in the administration of this Code
- (d) in relation to an allegation that a Member (including yourself) has failed to comply with this Code of Conduct, do anything which compromises or may compromise the impartiality of those who work for, or on behalf of, the Authority
- (e) conduct yourself in a manner which could reasonably be regarded as bringing your office or Authority into disrepute

4. You must not:

- 4.1. Pass on 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, unless:
 - (a) you have the consent of a person authorised to give it
 - (b) you are required by law to do so
 - (c) the disclosure is made to a third party for the purpose of obtaining professional advice, provided that they agree not to pass on the information to any other person; or
 - (d) the disclosure is:

- (i) reasonable and in the public interest; and
 - (ii) made in good faith and in compliance with the reasonable requirements of the Authority; or
- 4.2. Prevent another person from gaining access to information to which that person is entitled by law.
- 5. **You must not:**
 - 5.1. Use or attempt to use your position as a Councillor or Co-opted Member improperly to confer on, or secure for yourself or any other person, an advantage or disadvantage; and
- 6. **You must:**
 - 6.1. When using, or authorising the use by others of, the resources of the Authority:
 - (a) act in accordance with the Authority's reasonable requirements
 - (b) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - 6.2. Have regard to any Local Authority Code of Publicity made under the Local Government Act 1986.
- 7.
 - 7.1. When reaching decisions on any matter you must have regard to any relevant advice provided to you by:
 - (a) the Authority's Chief Finance Officer; or
 - (b) the Authority's Monitoring Officerwhere that officer is acting in that role.
 - 7.2. You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Authority.

PART 2

INTERESTS

8. Disclosable Pecuniary Interests

- 8.1. Breaches of the rules relating to Disclosable Pecuniary Interests may lead to criminal sanctions being imposed.
- 8.2. You have a Disclosable Pecuniary Interest if it is of a description specified in regulations made by the Secretary of State and either:
- (a) it is an interest of yours, or
 - (b) it is an interest of:
 - (i) your spouse or civil partner
 - (ii) a person with whom you are living as husband and wife, or
 - (iii) a person with whom you are living as if you were civil partners and you are aware that that other person has the interest.

8.3 Disclosable Pecuniary Interests are:

<u>INTEREST</u>	<u>DESCRIPTION</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on by you for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a Member, or towards your 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	<p>Any contract which is made between you (or a body in which you have a beneficial interest) and the Authority</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	<p>Any beneficial interest in land which is within the area of the Authority.</p>
Licences	<p>Any licence (alone or jointly with others) to occupy land in the area of the Authority for a month or longer.</p>
Corporate tenancies	<p>Any tenancy where (to your knowledge)</p> <p>(a) the landlord is the Authority; and</p> <p>(b) the tenant is a body in which you have a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to your knowledge) has a place of business or land in the area of the Authority; and</p> <p>(b) either</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) where 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 you have a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

9. Registration of Disclosable Pecuniary Interests and Personal Interests

- 9.1. Subject to paragraph 11 below (Sensitive interests), you must, within twenty eight days of your election or appointment notify the Authority's Monitoring Officer in writing of any Disclosable Pecuniary Interests and/or Personal Interests you have at that time.
- 9.2. Subject to paragraph 11 below (Sensitive interests), you must, within twenty eight days of becoming aware of any new Disclosable Pecuniary Interest/Personal Interests or any change to them, notify the Authority's Monitoring Officer in writing of that new Pecuniary Interest or change.

10. Disclosable Pecuniary Interests/Personal Interests in matters considered at meetings or by a single Member

- 10.1 If you attend a meeting and have a Disclosable Pecuniary Interest or Personal Interest in any matter to be considered, or being considered, at that meeting and the interest is not entered in the Authority's Register of Members' Interests, you must, subject to sub-paragraph 11.1 below, disclose that interest to the meeting. If you have not already done so, you must notify the Authority's Monitoring Officer of the interest within twenty eight days beginning with the date of the disclosure, and
- 10.2 Whether the Disclosable Pecuniary Interest is registered or not, you must not, unless you have obtained a dispensation from the Authority's Monitoring Officer or the Standards Committee:
- (i) participate, or participate further, in any discussion of the matter at the meeting (except to make representations, give evidence or answer questions prior to any debate on the matter); or
 - (ii) remain in the meeting room whilst the matter is being debated; or
 - (iii) participate in any vote taken on the matter
- 10.3 If you have declared a Personal Interest (as defined in paragraph 12.1 below) to the meeting you may take part in any debate on the matter under consideration and vote upon it.

Single Member Action

- 10.4 If you are empowered to discharge functions of the Authority acting alone (for example, through being a Cabinet Member), and have and are aware

that you have a Disclosable Pecuniary Interest in any matter dealt with by you in that role, you must not take any action, or further action, on the matter (except for the purposes of enabling the matter to be dealt with by other means). If you have not already done so, you must notify the Authority's Monitoring Officer of the interest within twenty eight days beginning with the date of the disclosure.

11. Sensitive Interests

11.1. Where you consider (and the Authority's Monitoring Officer agrees) that the nature of a Disclosable Pecuniary or Personal Interest is such that disclosure of the details of the interest could lead to you or a person connected with you being subject to intimidation or violence, it is a "sensitive interest" for the purposes of the Code. The details of the sensitive interest do not need to be disclosed to a meeting, although the fact that you have a sensitive interest must be disclosed, in accordance with paragraph 10.1 above.

12. Personal Interests

12.1. You have a personal interest in any business of the Authority where either

(a) it relates to or is likely to affect:

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Authority

(ii) any body:

(aa) exercising functions of a public nature (for example, a County Council or Parish Council)

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trades union),

of which you are a member or in a position of general control or management

(iii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person (see 12.2 below) to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward.

12.2 Personal Interests should be declared at a meeting or where a Councillor is making a decision alone (see paragraph 10.4 above). Failure to do so will be regarded as a breach of this Code of Conduct.

PART 3

RELATED DOCUMENTS

Arrangements for dealing with alleged breaches of the Northampton Borough Council's Members' Code of Conduct.

