

Member Code of Conduct

SECTION 1: INTRODUCTION

The Members' Code of Conduct is intended to promote high standards of behaviouramongst Councillors.

The Code is underpinned by the following seven Nolan principles of public life, which should be adhered to when interpreting the meaning of the Code. Councillors should behave with:

1. **Selflessness** – and act solely in terms of the public interest. They should not act to gain financial or other benefits for themselves, their family, or their friends.

2. **Integrity** – and should not place themselves under any financial or other obligationto outside individuals or organisations that might seek to influence them in the performance of their official duties.

3. **Objectivity** – in carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits; choicesshould be made on merit.

4. **Accountability** – and are accountable for their decisions and actions to the publicand must submit themselves to whatever scrutiny is appropriate to their office.

5. **Openness** – and should be as open as possible about all the decisions and actionsthat they take. They should give reasons for their decisions and restrict informationonly when the wider public interest clearly demands.

6. **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.

7. **Leadership** – and should promote and support these principles by leadership andexample.

SECTION 2: GENERAL PROVISIONS

1. Introduction and Interpretation

1.1 This Code applies to all members of the Council. It is your responsibility to comply with the provisions of this Code.

1.2 In this Code:

a) "the Council" refers to [INSERT NAME OF COUNCIL].

b) "Councillor" means any person being a Member of the Council.

c) "Meeting" means any meeting of:

- the Council
- any of the Council's committees, or sub-committees
- any of the Council's advisory groups, working parties and panels.

2. Scope

2.1 This Code applies to you whenever you are acting in the capacity as a Member of the Council: not only when attending meetings. For example, it will also include but is not limited to Members' dealings with officers, Members' dealings with the public, when Members represent the Council on outside bodies, any statements made by a Member on behalf of the Council.

3. General Obligations

3.1 You must treat others with respect.

3.2 You must not do anything which may cause the Council to fall foul of UK equalities legislation.

3.3 You must not bully or intimidate any person or do anything which compromises the independence of those who work for the Council.

3.4 For the purposes of this paragraph, bullying is defined as: "offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient. Examples of bullying include, but are not limited to:

- spreading malicious rumours or insulting someone by word or behaviour.
- copying communications that are critical about someone to others who do not need to know.
- ridiculing or demeaning someone – picking on them or setting them up to fail.
- exclusion or victimization.
- unfair treatment.
- overbearing supervision or other misuse of power or position.
- unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected.
- making threats or comments about job security without foundation.
- deliberately undermining a competent worker by overloading and constant criticism.
- preventing individuals progressing by intentionally blocking promotion or training opportunities.

3.5 You must not intimidate or attempt to intimidate any person who is or may be:

- a complainant;
- a witness; or
- involved in the administration of this Code.

3.6 You must not make trivial or malicious allegations against others.

3.7 You must not do anything which compromises or may compromise the impartiality of those who work for, or on behalf of, the Council.

3.8 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.

3.9 You must not accept any gifts or hospitality that could be seen by the public as likely to influence your judgement in relation to any matter that you deal with in your official capacity.

3.10 You must not 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:

- you have the consent of a person authorised to give it
- you are required by law to do so
- the disclosure is made to a third party for the purpose of obtaining professional advice, if they agree not to pass on 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.

3.11 You must not prevent another person from gaining access to information to which that person is entitled by law.

3.12 You must not use or attempt to use your position as a Councillor improperly to confer on, or secure for yourself or any other person, an advantage or disadvantage.

3.13 You must, when using, or authorising the use by others of, the resources of the Council:

- act in accordance with the Council's reasonable requirements
- ensure that such resources are not used improperly for political purposes (including party political purposes).

3.14 You must have regard to any Local Authority Code of Publicity made under the Local

Government Act 1986.

3.15 You must comply with any formal standards investigation into your conduct or the conduct of another Councillor.

3.16 You must, when reaching decisions on any matter, have regard to any relevant advice provided to you by:

- the Council's Responsible Finance Officer; or
- the Council's Monitoring Officer
- where that officer is acting in that role.

3.17 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

SECTION 3: INTERESTS

1. Registration of Interests

1.1 Within 28 days of this Code being adopted by your Council or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Appendix A (Disclosable Pecuniary Interests) and Appendix B (Other Registerable Interests).

1.2 You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest in Appendix A or B, or of any change to a registered interest, notify the Monitoring Officer.

2. Disclosable Pecuniary Interests

2.1 Where a matter arises at a meeting in which you have an interest in Appendix A, you must declare the interest (unless it is sensitive - see section 5 below), not participate, or participate further, in any discussion or vote further on the matter and must not remain in the room unless granted a dispensation.

3. Other registerable interests

3.1 Where a matter arises at a meeting in which you have an interest in Appendix B, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but must not take part in any vote on the matter unless you have been granted a dispensation.

4. Non-registerable interests

4.1 Where a matter arises at a meeting which relates to your own financial interest (and is not a Disclosable Pecuniary Interest) or your own wellbeing or is otherwise to your advantage or relates to a financial interest or wellbeing or is otherwise to the advantage of a relative, friend or close associate, you must disclose the interest and not vote on the matter unless granted a dispensation. You may speak on the matter only if members of the public are also allowed to speak at the meeting.

4.2 Where a matter arises at a meeting which affects your own financial interest or a financial interest of a relative, friend, close associate or body covered by Appendix B you must disclose the interest;

4.3 Where the matter referred to in paragraph 4.2 affects the financial interest to a greater

extent than if affects the financial interests of the majority of inhabitants of the area affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest, you must not vote on the matter unless granted a dispensation. You may speak on the matter only if members of the public are also allowed to speak at the meeting.

5. Sensitive Interests

5.1 Where you consider (and the Council's Monitoring Officer agrees) that the nature of a Disclosable Pecuniary Interest, or other 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.

APPENDIX A – DISCLOSABLE PECUNIARY INTERESTS

1. Breaches of the rules relating to Disclosable Pecuniary Interests may lead to criminal sanctions being imposed.

2. You have a Disclosable Pecuniary Interest if it is of a description specified in regulations made by the Secretary of State and either:

   2.1 it is an interest of yours, or

   2.2 it is an interest of:

   - your spouse or civil partner
   - a person with whom you are living as husband and wife, or
   - a person with whom you are living as if you were civil partners
   - and you are aware that that other person has the interest.

3. Disclosable Pecuniary Interests are:

Interest	Description
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 Council) 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	Any contract which is made between you (or a body in which you have a beneficial interest) 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 Council for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) (a) the landlord is the Council; and (b) the tenant is a body in which you have a beneficial interest.

Securities	Any beneficial interest in securities of a body where: (a) that body (to your 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) 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.

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

"director" includes a member of the committee of management of a registered society within the meaning given by section 1(1) of the co-operative and community benefit Societies Act 2014, other than a society registered as a credit union.

"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

"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 - OTHER REGISTERABLE INTERESTS

1. Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Council;

2. Any body-

   - exercising functions of a public nature;

   - directed to charitable purposes; or

   - one of whose principal purposes includes the influence of public opinion or policy (including any political part or trade union) of which you are a member or in a position of general control or management;

3. Any gifts or hospitality worth more than an estimated value of £10 which you have received by virtue of your office, or a series of gifts or hospitality, from the same source within any 12-month period which together are worth more than an estimated value of £10.

PART 2: GIFTS AND HOSPITALITY OFFERED TO COUNCILLORS

1. General Principals

1.1 Councillors should treat with caution any offer of a gift, favour or hospitality that is made to them. Whilst the person or organisation making the offer may be doing so entirely without expectation of gain, the public may see it differently if that person or organisation is doing business, or seeking to do business with the Council. Councillors should ask themselves “Would I have been given this if I was not on the Council?”

1.2 It is essential that any suggestion of improper influence should be avoided. When receiving offers of gifts and hospitality, Councillors should be particularly sensitive as to their timing in relation to decisions which the Council may be taking. For example, hospitality must not be accepted knowingly from interested parties during the tendering period of a contract, or whilst an application for planning permission or some other kind of permission/decision is being considered by the Council.

1.3 Councillors may come into contact with individuals seeking to enhance the prospects of their business. Sometimes suppliers (or potential suppliers/tenderers for services) make approaches to Councillors with a view to demonstrating a particular product or service. In order to avoid suspicion of unhealthy influence, Councillors should ensure that such offers are advised to appropriate officers.

1.4 As with all other aspects of this Code, Councillors should be confident that whatever they do should be seen to be an example to the community of proper conduct and behaviour.

2. Registering Gifts and Hospitality

2.1 This Code of Conduct sets out the requirement for Councillors to register the receipt of any gift or hospitality worth £10 or over that they receive in connection with their official duties as a Councillor. If in doubt as to the value, the Councillor should register the offer anyway. An accumulation of gifts from the same source over a short period that adds up to £10 or more should also be registered. The Member must register the gift or hospitality and its source by completing a written declaration within 28 days of receiving it.

2.2 The Council will maintain a register of gifts and hospitality received by Councillors where the value is £10 or more in value. The register is maintained by the Council’s Proper Officer on behalf of the Monitoring Officer. Members should immediately notify the Proper Officer of any such gifts or hospitality received and enter the

relevant details in the register. The register will be made available to the public via the Council's web site. It will be updated at least quarterly.

2.3 Councillors do not need to register gifts and hospitality that are not related to their role as a Councillor**Appendix C - Arrangements for Making Complaints**

If a person wishes to make a complaint about a councillor under the Code of Conduct, it should be addressed to:

The Monitoring Officer
West Northamptonshire Council
One Angel Square
Angel Street
Northampton
NN1 1ED

or e-mail catherine.whitehead@westnorthants.gov.uk

The Monitoring Officer is a senior officer of the Council who has statutory responsibility for maintaining the Register of Members' Interests and who is responsible for administering the process in respect of complaints of alleged Member misconduct.

To ensure that the Monitoring Officer has all the information needed to process a complaint, it is recommended that complainants use the complaint form, which is available on request from the Monitoring Officer or can be downloaded from www.westnorthants.gov.uk.