



## **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 Upton Parish Council.
- 1.2. The term “**the Authority**” used in this Code refers to Upton Parish 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 Council / Authority
- (b) any of the Councils committees, sub-committees, joint committees, joint sub-committees, or working parties
- (d) any of the Councils advisory groups and executive boards, working parties and steering groups

1.6. **“Relevant Authority”** includes a County Council, a District / Borough 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 Councils Proper Officer (Parish Clerk); or
- (b) the Responsible Financial Officer

where 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:

| <b><u>INTEREST</u></b>                                   | <b><u>DESCRIPTION</u></b>  |
|--|--|
| <b>Employment, office, trade, profession or vocation</b> | Any employment, office, trade, profession or vocation carried on by you for profit or gain.  |
| <b>Sponsorship</b>                                       | 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 |

|                            |   |
|----------------------------|---|
|                            | <p>incurred by you in carrying out duties as a Member, or towards your election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>   |
| <b>Contracts</b>           | <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>  |
| <b>Land</b>                | <p>Any beneficial interest in land which is within the area of the Authority.</p>   |
| <b>Licences</b>            | <p>Any licence (alone or jointly with others) to occupy land in the area of the Authority for a month or longer.</p>  |
| <b>Corporate tenancies</b> | <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>   |
| <b>Securities</b>          | <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 Relevant Authority's Monitoring Officer (in this case the Monitoring Officer of Northampton Borough Council) 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 Relevant Authority's Monitoring Officer (in this case the Monitoring Officer of Northampton Borough Council) 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 Relevant Authority's Monitoring Officer (in this case the Monitoring Officer of Northampton Borough Council) 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 Relevant Authority's Monitoring Officer (in this case the Monitoring Officer of Northampton Borough Council) or the Standards Committee at Northampton Borough Council:
  - (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 Council acting alone 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 (in this case the Monitoring Officer of Northampton Borough Council) of the interest within twenty eight days beginning with the date of the disclosure.

## **11. Sensitive Interests**

11.1. Where you consider (and Northampton Borough Councils 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 Council 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 Council

(ii) any body:

(aa) exercising functions of a public nature (for example, a County Council or Borough 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 allegations of breaches of Upton Parish Council Members' Code of Conduct**

##### **1. Context**

These "Arrangements" set out how you may make a complaint that an elected or co-opted Member of this Council has failed to comply with the authority's Code of Conduct, and sets out how the authority will deal with it. You may make a complaint under these Arrangements that a Parish Councillor has failed to comply with the Code of Conduct adopted by the Parish Council. A complaint about a Parish Councillor will be dealt with by the Monitoring Officer at Northampton Borough Council in accordance with these Arrangements. References to "Member" in these Arrangements should therefore be read to include reference to a Parish Councillor.

These Arrangements include the appointment of at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided warrants investigation, and whose views can be sought by the authority at any other stage, or by a Member against whom an allegation has been made.

##### **2. Making a complaint**

If you wish to make a complaint, please write to:

The Monitoring Officer  
Northampton Borough Council  
The Guildhall  
St Giles Square  
Northampton  
NN1 1DE

or e-mail the Monitoring Officer at:

[monitoringofficer@northampton.gov.uk](mailto:monitoringofficer@northampton.gov.uk)

The Monitoring Officer is a senior officer of Northampton Borough 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.

In order to ensure that they have all the information which they need to be able to process your complaint, please use the complaint form, which can be downloaded from the authority's website, next to the Code of Conduct, and is available on request from the One Stop Shop at the Guildhall.

You are required to provide them with your name and a contact address or email address, so that they can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case they will not disclose your name and address to the Member against whom you make the complaint, without your prior consent. The Monitoring Officer does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

The Monitoring Officer will acknowledge receipt of your complaint within ten working days of receiving it and will keep you informed of the progress of your complaint.

#### **4. Initial Assessment of Complaints Received**

The Monitoring Officer will review all complaints received and may consult with the Independent Person (see section 12 below) at this stage. If a complaint has been made but does not fall within the scope or intent of these arrangements, the Monitoring Officer may still decide to take informal action in order to resolve the matter. In assessing the complaint the Monitoring Officer will determine whether the complaint is admissible and, if so, decide whether:

- a) it warrants investigation or,
- b) it may be suitable for alternative resolution without investigation or,
- c) it doesn't warrant any further action.

For the complaint to be admissible it must be in a legible format and relate to an existing Member of the Parish Council.

In determining whether or not the complaint should be referred for investigation or to seek alternative resolution the Monitoring Officer at Northampton Borough Council (and Independent Person if involved at this point) will have regard to a range of factors including the following:-

- i) Whether there is sufficient information upon which to base a decision;
- ii) How serious is the alleged complaint;
- iii) Is the complaint politically motivated, vexatious or tit for tat;
- iv) Did the action complained about occur recently or not;

- v) Do the allegations relate to actions occurring whilst the Member was acting in their official capacity or do they relate to their private life;
- vi) Whether the matter is considered suitable for alternative resolution and whether either the Member concerned or the complainant is not prepared to accept this as a solution.

The initial assessment of the complaint will normally be taken within twenty eight days of receipt of your complaint and you will be informed, in writing, of the outcome by the Monitoring Officer.

Unless exceptional circumstances exist that indicate otherwise, the Monitoring Officer will inform the Member concerned of the receipt and nature of the complaint and invite their comments.

Where the Monitoring Officer requires additional information in order to come to a decision, they may come back to you for such information, and may request information from the Member against whom your complaint is directed.

### **Alternative Resolution**

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. The Monitoring Officer may consult with the Independent Person about this course of action. Such informal resolution may involve the Member accepting that their conduct was unacceptable and offering an apology, or other remedial action by the authority. Where the Member or the authority makes a reasonable offer of informal resolution, but you are not willing to accept that offer, the Monitoring Officer (and Independent Person, if appropriate) will take account of this in deciding whether the complaint warrants a formal investigation.

If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

### **5. If the Complaint is referred for Investigation how is the investigation conducted?**

If the Monitoring Officer decides that a complaint merits formal investigation, they will appoint an Investigating Officer, who may be another senior officer of the authority, an officer of another authority or an external investigator. The Monitoring Officer will agree an investigation plan with the Investigating Officer. The Investigating Officer will decide whether they need to meet or speak to you to understand the nature of your complaint. If so, then you can explain your understanding of events and suggest what documents the Investigating Officer needs to see and who the Investigating Officer needs to interview. The Monitoring Officer may consult with the Independent Person about the need for a formal investigation.

The Investigating Officer would normally write to the Member against whom you have complained and provide them with a copy of your complaint. The Member would be asked to provide their explanation of events. The Investigating Officer will identify what documents he needs to see and who he needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential, or disclosure of details of the complaint to the Member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the Member, or delay notifying the Member until the investigation has progressed sufficiently.

At the end of their investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the Member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires further consideration.

Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send it to the Monitoring Officer.

**6. What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?**

The Monitoring Officer will, in consultation with the Independent Person, review the Investigating Officer's report and, if they are satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the Member concerned, notifying you that no further action is required.

**7. What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?**

The Monitoring Officer will, in consultation with the Independent Person, review the Investigating Officer's report and will then either send the matter for local hearing before the Hearings Panel made up of Councillors from the Council's Standards Committee and any appropriate co-optees or seek an alternative resolution.

**7.1 Local Resolution**

The Monitoring Officer and Independent Person may consider that the matter can be resolved without the need for a hearing. Such resolution may include the Member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the authority. If the Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee at Northampton Borough Council for information, but will take no further action.

**7.2 Local Hearing**

If the Monitoring Officer and Independent Person consider that local resolution is not appropriate or it isn't possible to achieve, the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel which will conduct a local hearing to decide whether the Member has failed to comply

with the Code of Conduct and, if so, whether to take any action in respect of the Member.

In summary, the Monitoring Officer will conduct a “pre-hearing process”, requiring the Member to give their response to the Investigating Officer’s report. This is in order to identify what is likely to be agreed and what is likely to be in contentious at the hearing. The Chair of the Hearings Panel may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that the Member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Hearings Panel.

The Member will then have an opportunity to give their evidence, to call witnesses and to make representations to the Hearings Panel as to why they consider that they did not fail to comply with the Code of Conduct.

The Hearings Panel, with the benefit of any advice from the Independent Person, may conclude that the Member did not fail to comply with the Code of Conduct and so dismiss the complaint. Alternatively, if the Hearings Panel finds that the Member did fail to comply with the Code of Conduct, the Chair will inform the Member of this finding and the Hearings Panel will then consider what action, if any, the Hearings Panel should take as a result of the Member’s failure to comply with the Code of Conduct. In doing this, the Hearings Panel will give the Member an opportunity to make representations to the Panel and will consult the Independent Person.

If the Member wishes to make representations to the Panel and/or consult with the Independent Person the Hearing will adjourn, normally for one week, and reconvene to hear any representation or statement from the Member before either confirming or amending their decision. If the Member does not wish to make representations to the Panel, or consult with the Independent Person, the decision of the Panel will stand as announced.

## **8. What action can the Hearings Panel take where a Member has failed to comply with the Code of Conduct?**

The Hearings Panel may:

- 8.1 Publish its findings in respect of the Member’s conduct;
- 8.2 Report its findings to Council for information;
- 8.3 Recommend that Council remove the Member from any or all Committees or Sub-Committees of the Council for a specified period of time;
- 8.4 Recommend to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular portfolio responsibilities for a specified period of time;

- 8.5 Instruct the Monitoring Officer to arrange training for the Member;
- 8.6 Instruct the Monitoring Officer to mediate between the complainant and the Member;
- 8.7 Recommend to Full Council that the Member be removed from any or all outside appointments to which they have been appointed or nominated by the authority where the complaint relates to that appointment and for a specified period of time;
- 8.8 Recommend to Full Council the withdrawal of any facilities provided to the Member by the Council that may have been abused or improperly used; or
- 8.9 Recommend to Full Council the exclusion of the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

There are no powers that allow the Parish Council or the Standards Committee of Northampton Borough Council to suspend or disqualify the Member or to withdraw Members' basic allowances. (Although, removing a Member from Cabinet or a Committee would lead to a loss of any Special Responsibility Allowance that position was entitled to for the period of the suspension.)

## **9. What happens at the end of the hearing?**

At the end of the hearing, the Chair will state the decision of the Hearings Panel as to whether the Member failed to comply with the Code of Conduct and as to any actions which the Hearings Panel resolves to take.

As soon as reasonably practicable thereafter and subject to any adjournment as set out in 7.2 above, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel and send a copy to you and to the Member. The decision notice will be made available for public inspection and the decision reported to the next convenient meeting of the Parish Council.

## **10. Appeals**

There is no right of appeal for you as complainant or for the Member against a decision of the Monitoring Officer or of the Hearings Panel.

If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman or take your own legal advice as to options that might be open to you.

## **11. Who are the Hearings Panel?**

The Hearings Panel is a panel of the Council's Standards Committee. It will comprise three Members of the Standards Committee. If the conduct of a Parish Councillor is to be considered, a Parish Council Member will form an additional

Member of the Panel.

The Independent Person is invited to attend all meetings of the Hearings Panel and their views are sought and taken into consideration before the Hearings Panel takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

## **12. Who is the Independent Person?**

Council has appointed three Independent Persons.

\* A person cannot be "independent" if they:

12.1 are, or have been within the past five years, a Member, co-opted Member or officer of the authority or of a parish council within the authority's area; or

12.2 are a relative or close friend, of a person within paragraph 12.1. For this purpose, "relative" means:

- (a) the other person's spouse or civil partner;
- (b) living with the other person as husband and wife or as if they were civil partners;
- (c) a grandparent of the other person;
- (d) a lineal descendant of a grandparent of the other person;
- (e) a parent, sibling or child of a person within paragraphs (a) or (b);
- (f) the spouse or civil partner of a person within paragraph (c), (d) or (e);  
or
- (g) living with a person within paragraph (c), (d) or (e) as husband and wife or as if they were civil partners.

\* Note: This definition applies post the Transitional Arrangements period.

## **13. Revision of these arrangements**

The Council may by resolution agree to amend these arrangements and has delegated to the Chair of the Hearings Panel the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.