

# **Kettering**

*Borough Council*

## **MEMBERS' CODE OF CONDUCT**

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

The Code is underpinned by the following principles of public life which should be borne in mind when interpreting the meaning of the Code:-

- i. **Selflessness** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
- ii. **Integrity** Holders of public office 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, holders of public office should make choices on merit.
- iv. **Accountability** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- v. **Openness** Holders of public office 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** Holders of public office have a duty to 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** Holders of public office should promote and support these principles by leadership and example.

## PART 1

### GENERAL PROVISIONS

#### 1. Introduction and interpretation

- 1.1 This Code applies to **you** as a member of Kettering Borough Council (“KBC”).
- 1.2 The term “**the Authority**” used in this Code refers to Kettering Borough Council.
- 1.3 “**Member**” 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;
  - d) Any of the Authority’s advisory groups and executive boards, working parties and panels
  - e) Any other discussions and meetings that are attended
- 1.6 In this Code “relevant authority” 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 are acting in your official capacity as a Member of the Authority.
- 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 that other authority's code of conduct; or
  - (b) 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.

### **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 breach UK equalities legislation;
- (b) bully any person;
- (c) intimidate or attempt to intimidate any person who is or is likely to be:-
  - (i) a complainant;
  - (ii) a witness; or
  - (iii) involved in the administration of any investigation or proceedings,
- (d) in relation to an allegation that a Member (including yourself) has failed to comply with his or her authority's code of conduct, do anything which compromises or is likely to 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 Disclose 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, except where:-**

- (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 the third party agrees not to disclose 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 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 your authority:-

(a) act in accordance with your 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.

6.3 When taking decisions pay due regard to the advice of officers, and in particular to the advice of statutory officers namely the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer.

6.4 You must give reasons for all decisions in accordance with statutory requirements and any reasonable additional requirements of your authority.

## **PART 2**

### **INTERESTS**

**7. Disclosable Pecuniary Interests**

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

7.2 You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State as set out below 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.

7.3 Disclosable Pecuniary Interests are:

<b>Subject</b>	<b>Description</b>
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 Kettering Borough Council) made or provided to you within 12 months ending with the day on which you notified the Council's Monitoring Officer of any disclosable pecuniary interests in respect of any expenses you incurred in carrying out your 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 that Kettering Borough Council has with you or your partner (or a body in which you or your partner have a beneficial interest, and (a) under which goods or services are to be provided or works executed: and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the Borough of Kettering.
Licences	Any licence (alone or jointly with others) to occupy land within the Borough of Kettering for a month or longer.
Corporate tenancies	Any tenancy where to your knowledge— (a) the landlord is Kettering Borough Council; and (b) the tenant is a body in which you or your partner 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 within the Borough of Kettering 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.
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For the purpose of the Regulations the following definitions apply:

*“Body” means a firm in which you are a partner or a body corporate of which you are a director (which includes a member of the committee of management of an industrial and provident society), or in the securities of which you have a beneficial interest.*

*“Land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for you (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*

## **8. Personal Interests**

8.1 You have a personal interest in any business of your 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 your authority;
  - (ii) any body:
    - (aa) exercising functions of a public nature;
    - (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 trade union), of which you are a member or in a position of general control or management;
- (iii) any easement, servitude, interest or right over land which does not carry with it a right for you (alone or jointly with another) to occupy land or receive income.
- (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 to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

8.2 In sub-paragraph (1)(b), a relevant person is—

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

any body of a type described in sub-paragraph (1)(a)(i) or (ii).

## **9. Registration of Disclosable Pecuniary Interests and Personal Interests**

9.1 Subject to paragraph 11 (sensitive interests), you must, within 28 days of:

- (a) this Code being adopted or applied by the Authority; or
- (b) your election or appointment (where that is later),

notify the Authority's Monitoring Officer in writing of any Disclosable Pecuniary Interests that are notifiable and/or Personal Interests you have at that time.

9.2 Subject to paragraph 11 (sensitive interests), you must, within 28 days of becoming aware of any new Disclosable Pecuniary Interest or Personal Interests or any change to any such interest, notify the Authority's Monitoring Officer in writing of that new pecuniary interest or change.

## **10 Disclosure of interests**

### **10.1 Disclosable Pecuniary Interests**

10.1.1 If you attend a meeting and have and are aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, at that meeting –

- (a) if the interest is not entered in the Authority's register of members' interests, you must, subject to sub-paragraph 11 below, disclose to the meeting the fact that you have a Disclosable Pecuniary Interest in that matter. If you have not already done so, you must notify the Authority's Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure, and
- (b) whether the interest is registered or not you must not – unless you have obtained a dispensation –
  - (i) apart from making representations, giving evidence or answering questions, prior to the commencement of the debate on that matter, participate, or participate further, in any discussion of the matter at the meeting; or
  - (ii) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting. (Procedure rule required)

### **10.2 Personal Interests**

10.2.1 Where you have a personal interest described in paragraph 8 above in any business of the Council authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of the Council at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

10.2.2 Where you have a personal interest in any business of the Council which relates to or is likely to affect a person described in paragraph 8), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

10.2.3 Where you have a personal interest but, by virtue of paragraph 11, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

10.2.4 Where you have a personal interest in any business of the Council and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.



### 10.3 Non participation in case of pecuniary interest

- (1) Where you have a personal interest in any business of the Council you also have a pecuniary interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment of the public interest and where that business—
  - (a) affects your financial position or the financial position of a person or body described in paragraph 8.;or
  - (b) relates to the determining of any approval, consent, license, permission or registration in relation to you or any person or body described in paragraph.
- (2) Subject to paragraph (3) and (4), where you have a pecuniary interest in any business of the Council—
  - (a) You may not participate in any discussion of the matter at the meeting.
  - (b) You may not participate in any vote taken on the matter at the meeting.
  - (c) If the interest is not registered, you must disclose the interest to the meeting.
  - (d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.
  - (e) you must to leave the room where the meeting is held while any discussion or voting takes place.
- (3) Where you have a pecuniary interest in any business of the Council, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- (4) Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a pecuniary interest that relates to the functions of the Council:
  - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
  - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent

governor of a school, unless it relates particularly to the school which the child attends;

- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
  - (iv) an allowance, payment or indemnity given to members;
  - (v) any ceremonial honour given to members; and
  - (vi) setting council tax or a precept under the Local Government Finance Act 1992.
- (5) Where, as an executive member, you may discharge a function alone, and you become aware of a pecuniary interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

#### **10.4 Interests arising in relation to overview and scrutiny committees**

In any business before an overview and scrutiny committee of the Council (or of a sub-committee of such a committee) where—

- (a) that business relates to a decision made (whether implemented or not) or action taken by the executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken,

You may only attend a meeting of the overview and scrutiny committee for the purpose of answering questions or giving evidence relating to the business, and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

#### **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, and 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 0 above.

## **12. Gifts and Hospitality**

- 12.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a member from any person or body other than the authority.

The Monitoring Officer will place your notification on a public register of gifts and hospitality.

This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.

You must also disclose the offer of gifts or hospitality that you are offered even if you do not accept it.