

Hoey Ainscough Associates Ltd

The Code of Conduct and standards arrangements

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What we will cover

- What does the law say and why is it important?
- What are Northampton Borough Council's local arrangements?
- Northampton Borough Council's Code - behaviours
- Registering and declaring interests

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The law

Each council must:

- Adopt its own Code based on Nolan principles
- Include mandatory interests provisions
- Make arrangements to deal with allegations
- Appoint at least one Independent Person ('IP')

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Northampton arrangements – Initial Assessment

An allegation is made

- Monitoring Officer ('MO') usually consults IP to decide whether any action is needed
- May take no further action
- May try to resolve the matter informally
- May decide it needs investigating

Northampton arrangements – Initial Assessment

- MO will usually tell member about complaint and ask for comments before making a decision
- Informal resolution may mean for example a member offering to apologise, or trying to reconcile disagreement through mediation etc

Northampton arrangements – investigating

If case is investigated:

- If investigator concludes there is no evidence of failure to comply with Code, MO can agree, in consultation with IP, that there has been no breach and close the matter
- If there is evidence of a breach, MO can in consultation with IP either:
 - seek local resolution if appropriate; or
 - if no resolution possible, send case to Hearings Panel

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Northampton arrangements - deciding

- Hearings Panel is made up of Councillors of the Standards Committee and an Independent Member
- Hearings Panel decides if there has been a breach or not
- If it decides there has been a breach it may:
 - Seek mediation
 - Censure or recommend training
 - Ask Leader or Council to take action

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Role of the Independent Person

Law says

- Council must take account of views of IP on matter under investigation
- Member accused may seek views of IP

Northampton Borough Council Arrangements

- IP consulted by MO before initial decision
- Member who is subject of allegation may seek views of IP
- IP consulted by MO at end of investigation
- Hearings Panel consults IP before deciding
- (NB – Council has appointed two Independent Persons)

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Northampton Borough Council Members' Code of Conduct - behaviours

- Treat others with respect and don't bully
- Don't compromise impartiality of officers
- Don't disclose confidential information
- Don't misuse resources
- Don't bring Council into disrepute

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Supporting documents

Code is not alone:

- Member-Employee Protocol
- IT and resources policies

Etc.

Northampton Code – registration of interests

- Register Disclosable Pecuniary Interests (criminal offences for non-compliance)
- Register other registerable interests

Northampton Code – What do I register?

- DPIs are (for you and partner):
 - Your job
 - Anybody who paid your election expenses
 - Any ongoing contracts with the Council
 - Any land/property you own or rent in area
 - Any licence for more than a month to occupy land in area
 - Any property you or a business rent from the Council
 - Any securities in companies in area above certain value

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Northampton Code – What do I register?

- Additional local categories (just you):
 - Any body to which you are appointed by the Council
 - Any other body exercising functions of a public nature you're on (e.g. parish council, county, fire authority)
 - Any body directed to charitable purposes
 - Any body designed to influence public opinion (e.g. political party, trade union)
 - Anyone who's given you a gift or hospitality above £50 (in your role as councillor)

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Northampton Code – declaration of Disclosable Pecuniary Interests

- Where you have a Disclosable Pecuniary Interest you:
 - **must not** be involved in the discussion or decision-making (criminal offence)
 - **must** withdraw from the room while the matter is being debated
- You can apply to the Monitoring Officer for a dispensation to take part where you have a DPI. (Dispensations may only be granted in circumstances set out in the Localism Act 2011).

Northampton Code – declaration of personal interests

- A personal interest is something which affects:
 - The additional parts of your register (eg. the business in question relates to or affects a Parish Council that you are a member of); or
 - You or people close to you, more than it affects the majority of people in the ward affected by the decision
- You need to declare them at the relevant meeting

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Bias and predetermination

- Underlying general principle:
 - Taking public decisions means taking decisions in the public interest
 - Must listen to all sides of the argument
 - Must be willing to change your mind
 - Must take decisions for proper reasons
- Not a gag on campaigning but a reminder of need for fairness

Any further questions?

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