ANDOVER TOWN COUNCIL

Members Code of Conduct

Part 1: General Provisions

1.1 This Code is adopted pursuant to the Council's statutory duty to promote and maintain high standards of Conduct by Members of the Council. It complies with the requirements of Section 28 of the Localism Act 2011 and is consistent with the principles set out in that section and which are listed in paragraph 1.5 below.

1.2 This Code applies to you being a holder of public office as a member of Andover Town Council ("the Council") when acting in your role as a member.

1.3 This Code is not intended to be an exhaustive list of all the legal and constitutional obligations placed on Members of this Council. It is your responsibility to comply with the following provisions of this Code as well as other legal obligations beyond the scope of this Code.

1.4 In the interests of transparency and openness and in accordance with the requirements of the Localism Act 2011, a copy of the Register of Members' Interests is published on this Council's and Test Valley Borough Council's website and is available for public inspection at the Council's offices at all reasonable hours.

1.5 This Code is based on and consistent with the following principles:

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 material benefits.

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.

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.

ACCOUNTABILITY

Holders of public office are accountable for their decisions and actions to the public.

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.

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.

LEADERSHIP

Holders of public office should promote and support these principles by leadership and example.

Part 2: General obligations for members

2.1 When acting in your role as a Member of the Council:

(a) **Do** treat others with respect.

(b) **Do** ensure that you are aware of and comply with the requirements which the Bribery Act 2010 places on you in your role as a member and on the Council as a whole.

(c) **Do** ensure that you behave in accordance with all the Council's legal obligations, policies, protocols and procedures as they relate to your conduct.

(d) **Do not** do anything which may cause the Council to breach the equality enactments set out in the Equality Act 2010.

(e) **Do not** bully any person (bullying is offensive, intimidating, malicious, insulting or humiliating behaviour that is directed at someone over whom you have some actual or potential influence).

(f) **Do not** intimidate, or try to intimidate, anyone who has complained about you or who may be involved with a complaint about you.

(g) **Do not** do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

(h) **Do not** 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:

- 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 legal advice provided that the third party agrees not to disclose the information to any other person; or
- the disclosure is:
  (a) reasonable and in the public interest; and
  (b) made in good faith and in compliance with the reasonable requirements of the Council.

(i) Do not prevent another person from gaining access to information to which that person is entitled by law.

(j) Do not use or try to use your position improperly to obtain an advantage or disadvantage for yourself or any other person or body.

2.2 When making decisions on behalf of or as part of the Council:

(a) **Do** exercise independent judgement and do not compromise your position by placing yourself under any obligations to outside individuals or organisations who might seek to influence your decision.

(b) **Do** have regard to any relevant advice provided to you by the Council's Responsible Financial Officer and/or Proper Officer where such advice is offered pursuant to their statutory duties.

(c) **Do** give reasons for the decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

2.3 When using or authorising the use by others of the resources of the Council:

(a) **Do** act in accordance with the Council's reasonable requirements including the requirements of the Council's Communication and Involvement Strategy and Policy for Members which you are deemed to have read.

(b) **Do** make sure that such resources are not used improperly or improperly for political purposes (including party political purposes); and

(c) **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
(d) **Do not** improperly use knowledge gained solely as a result of your role as a member for the advancement of your Disclosable Pecuniary Interests.

Part 3: Disclosable Pecuniary Interests

3.1 A disclosable pecuniary interest is an interest falling within the Schedule set out below of yourself, or your spouse or civil partner, or someone you are living with as if you were husband and wife or civil partners, where you are aware that that other person has the interest.

3.2 In the Schedule set out below, the following words or expressions mean as follows:

- 'The Act' means the Localism Act 2011.
- '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 an industrial and provident society.
- '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.
- 'M' means a member of a relevant authority.
- 'member' includes a co-opted member.
- 'Relevant authority' means the Council of which M is a member.
- 'Relevant period' means the period of 12 months ending with the day on which M gives a notification for the purposes of Section 30(1) or Section 31(7), as the case may be, of the Act.
- '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 (2000 c. 8) and other securities of any description, other than money deposited with a building society

Schedule of Disclosable Pecuniary Interests

Subject	**Prescribed description**
Employment, office, trade profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit

	from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 (1992 c. 52).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority: (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 relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge): (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where: (a) that body (to M's knowledge) has a place of business or land in the the area of the relevant authority; 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 person has a beneficial interest exceeds one hundredth of the total issued share capital of that class

Part 4: Registration and Disclosure of Disclosable Pecuniary Interests

4.1 You must, within 28 days of taking office as a Member or Co-opted Member of the Council, notify Test Valley Borough Council's Monitoring Officer of any disclosable pecuniary interests, by completing your form and returning it to the Proper Officer to forward on, as defined by regulations made by the Secretary of State (as set out at Part 3 of this Code), where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

4.2 You must also, within 28 days of becoming aware of any new disclosable pecuniary interest, or change thereto, notify Test Valley Borough Council's Monitoring Officer of such new or changed interest, by updating your form and giving it to the Proper Officer to forward on

4.3 If you have a disclosable pecuniary interest included on the Register of Members' Interests in any matter to be considered at any meeting of the Council, or Committees, at which you are present (even though you are not a member of the committee and are seated with the public), you must disclose that interest. Such an interest should be disclosed at the commencement of consideration of the business or when the interest becomes apparent. You do not need to disclose

details of the interest itself unless in exercising your discretion you choose to do so.

4.4 If a disclosable pecuniary interest has not been entered onto the Council's Register of Interests, then you must also disclose the interest to any meeting of the Council or its Committees at which you are present where you have such an interest in any matter being considered. Such an interest should be disclosed at the commencement of consideration of the business or when the interest becomes apparent. You should disclose the existence and the nature of the interest to the meeting. Following disclosure of a disclosable pecuniary interest not on the Council's Register or the subject of pending notification, you must notify Test Valley Borough Monitoring Officer of such interest within 28 days, beginning with the date of disclosure, by updating your form and giving it to the Proper Officer to forward on.

4.5 Unless a dispensation has been granted in respect of a matter in which you have a disclosable pecuniary interest, you may not:

- participate in any discussion related to that matter.
- vote on that matter; or
- discharge any function related to that matter.

4.6 As soon as it becomes apparent that you have such an interest you must withdraw from the room where the meeting considering the business is being held and must not seek improperly to influence a decision about that business.

Part 5: Personal Interests

5.1 You have a "personal interest" in an item of business where it relates to or is likely to affect any of the following bodies of which you are a member: a public or charitable body, any body to which the Member has been appointed by the authority, any political party, trade union or other body one of whose principal purposes is to influence public opinion or policy.

5.2 You also have a "personal interest" (but which is not a disclosable pecuniary interest) in an item of business or decision affecting the well-being or financial position of:

- a member of your family, or their close friends or close associates; or
- your close friends or close associates.

where the affect upon them might reasonably be regarded as greater than that on taxpayers, businesses and residents in the Andover Town Council area.

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5.3 Where you believe you have a "personal interest" under 5.1 or 5.2 you should also consider whether a reasonable person might think that your personal interest is so significant that it would impair your ability to judge the public interest. You should seek the advice of the Monitoring Officer at Test Valley Borough Council, in these circumstances before participating in the meeting or business of the Council.

5.4 Where you have a "personal interest" in any business of the Council you shall disclose that interest at any meeting of the authority, committee or subcommittee, where you consider that interest to be relevant to an item of business being considered at that meeting. The disclosure shall be made at the

commencement of the meeting, or when the interest becomes apparent, and shall be recorded in the minutes of the meeting. The requirement to declare a personal interest only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

5.5 Disclosure of a personal interest does not affect your ability to participate in a discussion or vote on the relevant item.

5.6 Where you have a personal interest, if you consider, having taken advice, that you should not participate in the business being considered, you should leave the room where the business is being considered after exercising any right to speak which a member of the public would have (and subject to complying with any such requirements as to registration)

Part 6: Sensitive Interests

6.1 These are interests where you consider that disclosure of the details of a disclosable pecuniary interest or a personal interest could lead to you, or a person connected with you, being subject to violence or intimidation.

6.2 A sensitive disclosable pecuniary interest or a change to such an interest must be notified to Test Valley Borough Council's Monitoring Officer, either by direct email or by informing the Proper Officer via email for forwarding on

6.3 If the Monitoring Officer agrees, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest which shall be recorded as withheld under Section 32(2) of the Localism Act 2011.

6.4 The requirement to declare such an interest at meetings shall be discharged simply by stating that you have a disclosable pecuniary interest or a personal interest in the matter concerned. You are not required to disclose the detail of the interest

Part 7: Offences

7.1 It is a criminal offence to:

(i) fail to notify Test Valley Borough Council's Monitoring Officer of any Disclosable Pecuniary Interest within 28 days of election.

(ii) fail to disclose a Disclosable Pecuniary Interest at a meeting if it is not on the register.

(iii) fail to notify Test Valley Borough Council's Monitoring Officer within 28 days of a Disclosable Pecuniary Interest that is not on the register that you have disclosed to a meeting.

(iv) participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest.

(v) as an executive member discharging a function acting alone and having a disclosable pecuniary interest in such a matter, failing to notify Test Valley Borough Council's Monitoring Officer within 28 days of the interest.

(vi) knowingly or recklessly providing information that is false or misleading in notifying Test Valley Borough Council's Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a Councillor for up to 5 years.