

# Broxtowe Borough Council Constitution

Document No. 5a – Code of Conduct of Broxtowe  
Borough Council

## **Code of Conduct of Broxtowe Borough Council**

As a member or co-opted member of Broxtowe Borough Council (the “Council”) I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles which aim to achieve best value for our residents and maintain public confidence in this authority:

- having regard to the principles of – selflessness, integrity, objectivity, accountability, openness, honesty and leadership
- championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me, and putting their interests first
- dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially
- not allowing other pressures to deter me from pursuing constituents' casework, the interests of the Council's area or the good governance of the authority in a proper manner
- never improperly conferring an advantage or disadvantage on any person or act to gain financial or other material benefits for myself, my family, a friend or close associate or place myself under a financial or other obligation to outside individuals or organisations that might seek to influence me in the performance of official duties
- when carrying out my public duties making all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit, exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority
- listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit



- being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents
- contributing to making this authority's decision-making processes as open and transparent as possible and being prepared to give reasons for those decisions and actions. Assisting residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account, but having due regard to the need to restrict access to information when the wider public interest or the law requires.
- declaring any private interests, as required by this Code of Conduct, that relate to my public duties and taking steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the box below
- when using or authorising the use by others of the resources of the authority, I will ensure that such resources are not used improperly for political purposes (including party political purposes) and I will have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986
- behaving in accordance with all the Council's legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the authority's resources
- valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government
- always treating people with respect, including the organisations and public I engage with and those I work alongside
- providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority
- co-operating fully with whatever scrutiny is appropriate to office
- promoting and supporting high standards of conduct when serving in my public post, in particular as characterised by the above requirements, by leadership and by example.

## **Disclosable Pecuniary Interest**

I have a Disclosable Pecuniary Interest if I, or my spouse or civil partner, have a pecuniary interest as listed in the national rules below.

If I have any of the following pecuniary interests, they are my **Disclosable Pecuniary Interests** under the national rules. Any reference to spouse or civil partner includes any person with whom I am living as husband or wife, or as if they were my civil partner.

The national rules are:

- Any employment, office, trade, profession or vocation carried on for profit or gain, which I, or my spouse or civil partner, undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by me in carrying out duties as a member, or towards my 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. The relevant period is the 12 months ending on the day when I tell the monitoring officer about my disclosable pecuniary interests following my election or re-election, or when I became aware that I had a disclosable pecuniary interest relating to a matter on which I was acting alone.
- Any contract which is made between myself, or my spouse or my civil partner (or a body in which I, or my spouse or my civil partner, has a beneficial interest) and the council or authority –
  - under which goods or services are to be provided or works are to be executed; and
  - which has not been fully discharged.
- Any beneficial interest in land which I, or my spouse or my civil partner, have and which is within the area of the council or authority.
- Any licence (alone or jointly with others) which I, or my spouse or my civil partner, holds to occupy land in the area of the council or authority for a month or longer.
- Any tenancy where (to my knowledge) –
  - the landlord is the council or authority; and
  - the tenant is a body in which I, or my spouse or my civil partner, has a beneficial interest.

### **Action to be taken**

If I am present at a meeting of the council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and I have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, I must not:

- participate in any discussion of that particular business at the meeting, or if I become aware of a disclosable pecuniary interest during the meeting participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

This authority requires members to withdraw from the room at this point to make clear to the public that I am not influencing the meeting in anyway and to protect the councillor from the criminal sanctions that apply should the councillor take part.

Where the interest I have declared is not on my Register of Interest Form then I will update the form with the relevant interest to the Monitoring Officer within 28 days.

In certain circumstances I can request a dispensation from these prohibitions

### **Pecuniary Interests**

As a member, I will have a Pecuniary Interest in an item of business of the Council where:

- a. a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of myself or a member of my family or a person with whom I have a close association to a greater extent than it would affect the majority of the council tax payers, ratepayers or inhabitants of the ward or electoral area for which I have been elected or otherwise of the authority's administrative area, or
- b. it relates to or is likely to affect any of the Disclosable Pecuniary Interests as listed above, but in respect of a member of your family or a person with whom I have a close association

and that interest is not a Disclosable Pecuniary Interest.

### **Action to be taken**

If I am present at a meeting of the council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and I have a pecuniary interest relating to any business that is or will be considered at the meeting, I must not:

- participate in any discussion of that particular business at the meeting, or if I become aware of my disclosable pecuniary interest during the meeting participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions do not apply to me speaking as a member of the public.

This authority does not require members to withdraw from the room at this point.

### **Non-pecuniary interests**

A non-pecuniary interest is an interest which is not pecuniary (as defined above) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon my judgement of the public interest

### **Action to be taken**

If I am present at a meeting of the council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and I have a Non-pecuniary interest relating to any business that is or will be considered at the meeting, I must:

- Declare the nature and extent of my interest including enough detail to allow a member of the public to understand it's nature.

I may stay, speak, vote and take a full part in the meeting.

## Registering and declaring pecuniary interests

I must, within 28 days of taking office as a member or co-opted member, notify the Authority's Monitoring Officer of any Disclosable Pecuniary Interest as defined by regulations made by the Secretary of State, where the pecuniary interest is mine, my spouse's or civil partner's, or is the pecuniary interest of somebody with whom I am living with as a husband or wife, or as if we were civil partners.

If an interest has not been entered onto the authority's register, then I must disclose the interest to any meeting of the authority at which I am present, where I have a Disclosable Pecuniary Interest in any matter being considered and where the matter is not a 'sensitive interest'.<sup>1</sup>

Following any disclosure of an interest not on the authority's register or the subject of pending notification, I must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, I may not participate in any discussion of, vote on, or discharge any function related to any matter in which I have a Disclosable Pecuniary Interest as defined by regulations made by the Secretary of State.

Additionally, I must observe the restrictions the authority places on my involvement in matters where I have a Disclosable Pecuniary Interest or Pecuniary Interest as defined by my authority.

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<sup>1</sup> A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.