

PART 3B LOCAL CODE OF CONDUCT FOR MEMBERS (JULY 2015)

PART 1 – GENERAL PROVISIONS

1. Introduction and interpretation

- 1.1 This Code applies to all Members of Daventry District Council.
- 1.2 It is the responsibility of each Member to comply with the provisions of this Code, for which they will give a written undertaking.
- 1.3 In this Code –

“meeting” means any meeting of

- (a) the Council;
- (b) any of its committees, sub-committees, joint committees, joint sub-committees, or area committees; any panels or working groups.

“Member” means elected and co-opted Members.

“relevant authority” has the meaning given to it in Section 27(6) of the Localism Act 2011 (including county council, district council, parish council, police and crime panel, fire and rescue authority).

“relevant person” means the Member or any other person referred to in Section 30(3)(b) of the Localism Act 2011. (i.e. their spouse or civil partner; a person with whom they are living as husband and wife, or a person with whom they are living as if they were civil partners).

2. Scope

- 2.1 A Member must comply with this Code whenever they act in their official capacity as a Member of the Council.
- 2.2 Where a Member acts as a representative of the Council -
- (a) on another relevant authority, they must, when acting for that other authority, comply with that other authority’s code of conduct; or
 - (b) on any other body, they must, when acting for that other body, comply with this Code, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

PART 2 – GENERAL OBLIGATIONS

3. General obligations

- 3.1 A Member must treat others with respect.
- 3.2 A Member must not -
- (a) bully any person;
 - (b) 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.
- (c) do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the Council.

3.3 A Member must not –

- (a) disclose information given to them in confidence by anyone, or information acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, except where –
- (i) they have the consent of a person authorised to give it;
 - (ii) they are required by law to do so;
 - (iii) 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
 - (iv) the disclosure is –
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the Council; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

3.4 A Member must not conduct themselves in a manner which could reasonably be regarded as bringing their office of the Council into disrepute.

3.5 A Member –

- (a) must not use or attempt to use their position as a Member improperly to confer on or secure for themselves or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of the Council –
- (i) act in accordance with the Council's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

PART 3 - INTERESTS

4. “Disclosable Pecuniary Interests”

4.1 A Member will have a “disclosable pecuniary interest” in any business of the Council if it is of a description specified in the second column of the appended Schedule as issued by the Secretary of State and either –

- (a) it is an interest of the Member, or
- (b) it is an interest of –
 - (i) their spouse or civil partner;
 - (ii) a person with whom they are living as husband and wife, or
 - (iii) a person with whom they are living as if they were civil partners.

and they are aware that that other person has the interest.

5. “Other Disclosable Interests”

5.1 A Member will have an “other disclosable interest” in any 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 the Member or their family, or a person with whom they 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 for which they have been elected, or
- (b) it relates to, or is likely to affect, any of the interests listed in the appended Schedule in respect of a member of their family (other than a ‘relevant person’) or a person with whom they have a close association.

and that interest is not a disclosable pecuniary interest.

and a member of the public with knowledge of the relevant facts would reasonably regard the interest as so significant that it is likely to prejudice the Member’s judgement of the public interest.

and the Member is aware that the other person has the interest.

6. “Non-disclosable Interests”

6.1 A Member will have a “non-disclosable interest” in any business of the Council where either it relates to –

- (a) any body of which they are a member or in a position of general control or management and to which they are appointed or nominated by the Council; or
- (b) any body –
 - (i) exercising functions of a public nature;
 - (ii) directed to charitable purposes; or

- (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which they are a member or in a position of general control or management, or
- (c) the interests of any person from whom they have received a gift or hospitality with an estimated value of at least £25.

and that interest is not a disclosable pecuniary interest or other disclosable interest.

6.2 An interest in this category need not be disclosed at meetings.

7. Registration of interests

7.1 Subject to paragraph 9 (sensitive interests), a Member must, within 28 days of –

- (a) this Code being adopted by the Council; or
- (b) their election or appointment to office (where that is later),

notify the Council's Monitoring Officer in writing of any disclosable pecuniary interests, other disclosable interests and/or non-disclosable interests at that time for entry into a register.

7.2 Subject to paragraph 9 (sensitive interests) a Member must, within 28 days of becoming aware of any new interest or change to any interest, notify the Council's Monitoring Officer in writing of that new interest or change.

8. Disclosable interest in matters considered at a meeting or by a single Member

8.1 Subject to paragraph 9 (sensitive interests) where the Member has, and is aware that they have, a disclosable interest in any business of the Council, and they attend a meeting at which the business is to be considered, or is being considered;

- (a) the Member must disclose to the meeting the fact that they have a disclosable interest in that matter. If they have not already done so, they must notify the Council'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 entered in the Council's Register of Members' Interests or not, they must not – unless they have obtained a dispensation from the Council's Monitoring Officer –
 - (i) participate, or participate further, in any discussion of the matter at the meeting - apart from making representations, giving evidence or answering questions, prior to the commencement of the debate on that matter, in accordance with other procedure rules in respect of an "other disclosable interest"; 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.

8.2 Non-disclosable interests do not need to be disclosed at meetings.

8.3 If a Member is empowered to discharge functions of the Council acting alone, and has and is aware that they have a disclosable interest in any matter dealt with, or

being dealt with, by the Member in the course of discharging that function, they must not take any steps, or any further steps, in relation to the matter (except for the purposes of enabling the matter to be dealt with otherwise than by them).

9. Sensitive interests

- 9.1 Where a Member considers (and where the Council's Monitoring Officer agrees) that disclosure of the details of a registered interest could lead to harm or intimidation of the Member or a person connected with the Member –
- (a) such details will be excluded from public versions of the register.
 - (b) such details will not need to be disclosed to a meeting, or when a Member is empowered to act alone, although the fact that the Member has a sensitive interest must be disclosed (in accordance with section 8).

SCHEDULE OF DISCLOSABLE PECUNIARY INTERESTS
SPECIFIED BY THE SECRETARY OF STATE

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</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^(a)</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Council –</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>
Land	Any beneficial interest in land which is within the area of the Council.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge) –</p> <p>(a) the landlord is the Council; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where –</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the Council; and</p>

^(a) 1992 c. 52.

(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.

PART 3C SUPPLEMENTARY LOCAL CODES OF CONDUCT FOR MEMBERS

(A) SUPPLEMENTARY LOCAL CODE OF CONDUCT FOR DEALING WITH PLANNING MATTERS

[The Local Code of Conduct for Dealing with Planning Matters supplements the adopted general Local Code of Conduct for Members and should be read in conjunction with it accordingly, particularly in respect of disclosing interests.]

1 INTRODUCTION

- 1.1 Planning matters referred to in this Code include Local Plans, Development Plan Documents, Supplementary Planning Documents, and Planning Applications, Tree Preservation Orders and Planning Enforcement issues.
- 1.2 Planning matters that are planning policy matters, such as local plans and supplementary planning documents, are the remit of Strategy Group and/or Council, with occasional advice sought from the Planning Committee. Planning matters that are development control matters, such as planning applications and enforcement, are regulatory matters within the remit of the Planning Committee as delegated by Council. Under the Local Code of Conduct there is particular need for Member awareness in respect of regulatory matters.
- 1.3 The Planning Committee operates in a quasi-judicial manner. There is recourse through the courts and the Planning Inspectorate if a decision on a regulatory planning matter is not correctly made - with possible financial penalties for the Council. This places an important responsibility on those who serve on the Planning Committee in particular.
- 1.4 Members must ensure that decisions are properly made and unbiased and are seen to be properly made and unbiased by all parties involved.
- 1.5 If someone believes that there has been undue influence, decisions may be challenged in a judicial review of the Council. There may also be a justifiable complaint of maladministration to the Local Government and Social Care Ombudsman or allegation of failure to comply with codes of conduct.

2. GENERAL PRINCIPLES FOR DEALING WITH PLANNING MATTERS

- 2.1 A Member shall not accept a nomination to serve on the Planning Committee unless he/she agrees to abide by the terms of the Local Code of Conduct for Planning Matters.
- 2.2 Members should represent their constituents as a body and should not favour any individuals or groups. Each Member should act in the interests of the whole District.
- 2.3 Members (and Officers) should not act as paid agents or consultants on planning matters within the jurisdiction of the Council as local planning authority.
- 2.4 Members should have regard only to material planning considerations and should disregard all other factors.
- 2.5 Members should retain an open mind about planning matters until they are in possession of all the relevant information to be presented.

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- 2.6 Members should pay full regard to Officers' professional recommendations, relevant national/regional planning statements and guidance and relevant Development Plan Policies. Where Members propose to determine a planning matter contrary to Officers' advice, full and proper reasons based on material planning considerations must be given at decision time.
- 2.7 Planning applications will be determined in a transparent, fair and open manner. Members determining such applications will take account of all the relevant information presented before reaching a decision and should not commit themselves to a final opinion before having done so. Where a Member is placed in a position where expressing a view prior to its determination is unavoidable, this view should always be able to be, and be, qualified.
- 2.8 Members should not vote on planning matters unless they have received and considered all of the relevant information submitted to them at the meeting at which the decision is taken. Members who leave a meeting of the Planning Committee whilst such relevant information is being presented must not vote on the item concerned.
- 2.9 Members are recommended to be cautious of social contact with applicants and agents.
- 2.10 Members should not disclose to a third party information submitted to them or Committee on a confidential basis.
- 2.11 Members should recognise that political whips should not be used to determine planning applications.
- 2.12 Members appointed to serve on the Planning Committee should attend planning training via induction given by planning officers and subsequently via the annual Members' Training Programme in order to apprise them of essential aspects of planning law, policy, guidance and practice pursuant to continuous development. Members must not vote on planning matters until induction training has been undertaken.
- 2.13 Members involved in making decisions on planning matters must not treat their Member colleagues or former Member colleagues on the Council more favourably than they would other persons or bodies.
- 2.14 Members should advise the Monitoring Officer of interests that arise.

3. INTERESTS IN REGULATORY PLANNING MATTERS

- 3.1 A Member who has submitted, or intends to submit, or whose family member or close associate (e.g. a spouse, partner, close relative or close acquaintance) have submitted, or intend to submit, a planning application is likely to have a disclosable interest and should refrain from lobbying of other Members. Nor should such a Member use his or her position to:
 - (a) gain access to Officers to pursue his or her interest; or
 - (b) bring improper pressure to bear on Officers.

He or she should appoint an agent to act on his or her behalf in negotiations or discussions.

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- 3.2 Where a Member, a member of their family or close associate (e.g. a spouse, partner, close relative or close acquaintance) is affected by a planning application submitted by a third party, he/she is likely to have a disclosable interest and should similarly refrain from lobbying of other Members or from using his or her position to:
- (a) gain access to Officers to pursue his or her interest; or
 - (b) bring improper pressure to bear on Officers.
- 3.3 Where a Member (or Officer) or their agent submits a planning application it shall always be considered by the Planning Committee. The Monitoring Officer shall be notified by the Member (or Officer) of the submission of the application and shall liaise with the Development Control Manager to ensure that the application has been dealt with in accordance with the relevant paragraphs of this code. The views of the Monitoring Officer shall be recorded on the relevant planning application file.
- 3.4 Circumstances may arise where a Member has had significant personal involvement with an applicant, agent or interested party, (whether or not in connection with the particular matter before the Planning Committee), which could lead an observer who knows the relevant facts to reasonably think the Member's interest is so significant that it is likely to prejudice the Member's judgement of the public interest. In these circumstances the Member should declare a disclosable interest, observe the Council's rules on Public Participation at Committees, and withdraw from the meeting.
- 3.5 A Member who has a disclosable interest in a regulatory planning matter is still able to represent the interests of his or her Ward constituents at Committee meetings in respect of that matter, subject to the Council's rules on Public Participation at Committees. Alternatively, the Member could advise constituents to address their representations to another ward Member or a Member of an adjacent ward who is not so affected.
- 3.6 A Member of the Planning Committee making a planning application for development significantly contrary to approved planning policies should resign from the Planning Committee before submitting it.
- 3.7 A Member who has received (or is closely associated with someone who has received) a planning permission should promote compliance with the terms of that planning permission, both in respect of compliance with the submitted documents and in respect of compliance with the conditions imposed.

4 INTERESTS IN DEVELOPMENT PLAN AND PLANNING POLICY FORMULATION

- 4.1 Where a Member has a disclosable interest affecting/affected by emerging planning policy or guidance, he/she should refrain from lobbying of other Members or from using his or her position to:
- (a) gain access to Officers to pursue his or her interest; or
 - (b) bring improper pressure to bear on Officers.

5 INVOLVEMENT IN RELATED MEETINGS

- 5.1 Where a Member has a disclosable interest in a development control or planning policy matter, the Member will not take part in any associated site inspection, debate or decision at a Committee or other Council organised forum where the development control or policy matter is discussed/considered, subject to the Council's rules on Public Participation at Committees.

6 LOBBYING AND ENGAGEMENT

6A GENERAL

- 6A.1 Constituents and others affected by a planning decision will often seek to influence it through an approach to their ward Member or a Member of the Planning Committee. This is an acknowledged way for local concerns to be ventilated. Following approaches, Members can raise issues with Officers and obtain further guidance if desirable.
- 6A.2 Care and common sense needs to be exercised by all parties involved so as to avoid the impartiality and integrity of a Member being called into question. In this context, it is appropriate for Members to avoid forms of engagement – such as meetings between them and those having direct pecuniary interest, without Officers present – that might risk perceptions or allegations of them being unduly influenced and/or risk challenge of the Council's decisions.
- 6A.3 If Members do express an opinion to objectors or supporters, it is good practice that they make it clear that a final decision will only be taken after all relevant arguments and all relevant material planning considerations have been taken into account by decision makers. Until all of the relevant information has been heard, Members should not give any indication as to how they will vote on the matter.
- 6A.4 All negotiations with applicants, objectors or other interested parties on planning matters are to be carried out by Officers.
- 6A.5 Where material is sent directly to Members by applicants, objectors or other interested parties in relation to any planning matter, Members should advise those persons or organisations to send, wherever possible, copies of such information to the Development Control Manager (or to the Local Strategy Manager if related to planning policy making) if they have not already done so. Members should not assume that this has already been done. If a Member intends to rely upon such information received in the consideration of any planning matter, he/she should ensure that the Development Control Manager or Local Strategy Manager (as appropriate) is aware of the information supplied, at least by the close of business on the day prior to the date of the meeting at which the planning matter is to be considered.
- 6A.6 Members should not seek to influence Officers or pressure Officers to support a particular course of action. Members' involvement should be recorded in any subsequent Committee report.
- 6A.7 It is important for Members to get the balance right between being an active local representative and the requirement when taking decisions on planning matters to take account of all arguments in an open-minded way. It is stressed that the striking of this balance is, ultimately, the responsibility of the individual Member.

6B LOBBYING ON SIGNIFICANT PLANNING APPLICATIONS

- 6B.1 In the spirit of a more proactive community leadership approach Members may engage with applicants (before an application is submitted only) in order to be informed of, or inform, a prospective significant planning application – but should not meet them alone or in any other way be seen to put themselves at risk of appearing to favour them. The following terms of engagement shall apply:

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- 6B.2 Presentations by applicants should be limited to the development proposal and a question and answer session on factual matters. The understanding must be that the engagement is in order to improve understanding. Where appropriate such meetings may take place on site and incorporate a site visit. Officers of appropriate seniority should attend presentations.
- 6B.3 Members should maintain an impartial listening role and avoid expressing an opinion or giving advice beyond outlining the adopted local policies. Questions to clarify aspects of a proposal, or the expressions of policy concerns are legitimate as long as they do not develop into negotiations. It should be made clear at the outset of the meeting that discussions are not binding, and that views expressed are not part of the determination process. It should be made clear in introductory remarks that any statements should be categorised as 'without prejudice'.
- 6B.4 To reinforce the above, at the start of the meeting Officers will explain that it is taking place at the request of the applicant and that the merits of the case will not be discussed. Members and Officers will, of course, be free to ask questions about the proposal at the presentation.

If the applicant requests the views of the authority, these will be communicated subsequently and in writing by Officers. In such communication, Officers will make it clear that any views expressed prior to formal determination of an application are preliminary.

- 6B.5 Advice and observations should be based on the adopted plan and material considerations.
- 6B.6 A written note of the proceedings should be kept - to include a record of Officer attendance and follow up.
- 6B.7 Follow up to the meeting should occur with a letter emphasising the informative nature of the meeting.

7 SITE INSPECTIONS / VIEWINGS

- 7.1 Site inspections should normally be carried out as part of the itinerary prepared by Officers ahead of a Committee meeting and in accordance with the Site Viewing Protocol and Procedure (see [‘Appendix – Supplementary Site Viewing Protocol and Procedure’](#)). For Planning Committee, Members are expected to register their request for a site inspection in connection with a particular application or proposal with the Development Control Manager within 21 days of notification of receipt of a planning application.
- 7.2 Members should not carry out unaccompanied site inspections (other than for the purpose of seeing the site), contact landowners themselves or arrange to go onto sites without a Planning Officer. Members need to exercise caution with regard to being lobbied on such site inspections.
- 7.3 Where a Member proposes deferral of a planning application at a Planning Committee meeting in order that a site inspection may be carried out, the planning reason for conducting such an inspection should be clearly stated.

(B) SUPPLEMENTARY LOCAL CODE OF CONDUCT FOR DEALING WITH LICENSING MATTERS

[The Local Code of Conduct for Dealing with Licensing Matters supplements the adopted general Local Code of Conduct for Members and should be read in conjunction with it accordingly, particularly in respect of declaring disclosing interests.]

1 INTRODUCTION

- 1.1 Licensing matters referred to in this Code include Licensing Policy and Applications for Licences (and their variation, transfer or review) under Licensing Act(s). Licensing Policy matters are the remit of Strategy Group and/or Council, with advice sought from the Licensing Committee. Licensing Applications are regulatory matters within the remit of the Licensing Committee and its Sub-Committees as delegated by Council. This Local Code shall be read as applying to its Licensing Sub-Committees also. Under the Local Code of Conduct, there is particular need for Member awareness in respect of regulatory matters.
- 1.2 The Licensing Committee operates in a quasi-judicial manner. There is recourse through the courts if a decision on a regulatory licensing matter is not correctly made - with possible financial penalties for the Council. This places an important responsibility on those who serve on the Licensing Committee.
- 1.3 Members must ensure that decisions are properly made and unbiased and are seen to be properly made and unbiased by all parties involved.
- 1.4 If someone believes that there has been undue influence, decisions may be challenged in a judicial review either of the Council, an individual Member or an Officer. There may also be a justifiable complaint of maladministration to the Local Government and Social Care Ombudsman or allegation of failure to comply with codes of conduct.

2 GENERAL PRINCIPLES FOR DEALING WITH LICENSING MATTERS

- 2.1 A Member shall not accept a nomination to serve on the Licensing Committee unless he/she agrees to abide by the terms of the Local Code of Conduct for Licensing Matters.
- 2.2 Members should represent their constituents as a body and should not favour any individuals or groups. Each Member should act in the interests of the whole District.
- 2.3 Members (and Officers) should not act as paid agents or consultants on licensing matters within the jurisdiction of the Council as local licensing authority.
- 2.4 Members should have regard only to material licensing considerations and should disregard all other factors.
- 2.5 Members should retain an open mind about licensing matters until they are in possession of all the relevant information to be presented.
- 2.6 Members should pay full regard to Officers' professional recommendations, relevant national guidance and relevant local strategies and policies related to licensing. Where Members propose to determine a licensing matter contrary to Officers' advice, full and proper reasons based on material licensing considerations must be given at decision time.

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- 2.7 Applications for licences will be determined in a transparent, fair and open manner. Members determining applications will take account of all the relevant information presented before reaching a decision and should not commit themselves to a final opinion before having done so. Where a Member is placed in a position where expressing a view prior to its determination is unavoidable, this view should always be able to be, and be, qualified.
- 2.8 Members should not vote on licensing matters unless they have received and considered all of the relevant information submitted to them at the meeting at which the decision is taken. Members who leave a meeting of the Licensing Committee whilst such relevant information is being presented must not vote on the item concerned.
- 2.9 Members are recommended to be cautious of social contact with applicants and agents.
- 2.10 Members should not disclose to a third party information submitted to them or Committee on a confidential basis.
- 2.11 Members should recognise that political whips should not be used to determine licensing applications.
- 2.12 Members appointed to serve on the Licensing Committee should attend licensing training via induction given by licensing officers and subsequently via the annual Members' Training Programme in order to apprise them of essential aspects of licensing law, policy, guidance and practice pursuant to continuous development. Members must not vote on licensing matters until such induction training has been undertaken.
- 2.13 Members involved in making decisions on licensing matters must not treat their Member colleagues or former Member colleagues or the Council more favourably than they would other persons or bodies.
- 2.14 Members should advise the Monitoring Officer of interests that arise.

3. INTERESTS IN LICENSING APPLICATIONS

- 3.1 A Member who has submitted, or intends to submit, or whose family member or close associate (e.g. a spouse, partner, close relative or close acquaintance) have submitted, or intend to submit, a licensing application is likely to have a disclosable interest and should refrain from lobbying of other Members. Nor should such a Member use his or her position to:-

- (a) gain access to Officers to pursue his or her interest; or
- (b) bring improper pressure to bear on Officers.

He or she should appoint an agent to act on his or her behalf in negotiations or discussions.

- 3.2 Where a Member, a member of their family or close associate (e.g. a spouse, partner, close relative or close acquaintance) is affected by a licensing application submitted by a third party, he/she is likely to have a disclosable interest and should similarly refrain from lobbying of other Members or from using his or her position to:-

- (a) gain access to Officers to pursue his or her interest; or
- (b) bring improper pressure to bear on Officers.

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- 3.3 Where a Member (or Officer) or their agent on their behalf submits a licensing application it shall always be considered by the Licensing Committee. The Monitoring Officer shall be notified by the Member (or Officer) of the submission of the application and shall liaise with the Executive Director with responsibility for Licensing to ensure that the application has been dealt with in accordance with the relevant paragraphs of this code. The views of the Monitoring Officer shall be recorded on the relevant licensing file.
- 3.4 Circumstances may arise where a Member has had significant personal involvement with an applicant, agent or interested party, (whether or not in connection with the particular matter before the Licensing Committee), which could lead an observer who knows the relevant facts to reasonably think the Member's interest is so significant that it is likely to prejudice the Member's judgement of the public interest. In these circumstances the Member should disclose the interest, observe the Council's rules on Public Participation at Committees, and withdraw from the meeting when appropriate so as to abstain from debate/voting on the matter.
- 3.5 A Member who has a disclosable interest in a regulatory licensing matter, is still able to represent the interests of his or her Ward constituents at Committee meetings in respect of that matter, subject to the Council's rules on Public Participation at Committees. Alternatively, the Member could advise constituents to address their representations to another ward Member or a Member of an adjacent ward who is not so affected.
- 3.6 A Member who has received (or is closely associated with someone who has received) a licence should promote compliance with the terms of that licence, both in respect of compliance with the submitted documents and in respect of compliance with the conditions imposed.

4 INTERESTS IN LICENSING POLICY FORMULATION

- 4.1 Where a Member has a disclosable interest affecting/affected by emerging licensing policy, he/she should refrain from lobbying of other Members or from using his or her position to:
- (a) gain access to Officers to pursue his or her interest; or
 - (b) bring improper pressure to bear on Officers.

5 INVOLVEMENT IN RELATED MEETINGS

- 5.1 Where a Member has a disclosable interest in a licensing matter, the Member will not take part in any associated site inspection, debate or decision at a Committee or other Council organised forum where the licensing matter is discussed/considered, subject to the Council's rules on Public Participation at Committees.

6 LOBBYING

- 6.1 Members who are lobbied in respect of a particular licensing matter should avoid expressing a view on it and restrict themselves to giving procedural advice. If circumstances require the Member to express a view, it should be made clear that the Member is expressing a personal view based on the information currently available, and this is not necessarily their final opinion or the opinion of the Committee. Until all of the relevant information has been heard, Members should not give any indication as to how they will vote on the matter.

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- 6.2 Where material is sent directly to Members by applicants, objectors or other interested parties in relation to any licensing matter, Members should advise those persons or organisations to send, wherever possible, copies of such information to the Executive Director with responsibility for Licensing if they have not already done so. Members should not assume that this has already been done. If a Member intends to rely upon such information received in the consideration of any licensing matter, he/she should ensure that the Executive Director with responsibility for Licensing is aware of the information supplied by the close of business on the day prior to the date of the meeting at which the matter is to be considered.
- 6.3 All negotiations with applicants on submitted, or intended, licensing proposals are to be carried out by officers.
- 6.4 Members should not seek to influence Officers or pressure Officers to support a particular course of action.

(C) SUPPLEMENTARY LOCAL CODE OF CONDUCT FOR DEALING WITH HOUSING MATTERS

[The Local Code of Conduct for Dealing with Housing Matters supplements the adopted general Local Code of Conduct for Members and should be read in conjunction with it accordingly, particularly in respect of disclosing interests.]

1 INTRODUCTION

- 1.1 Housing matters referred to in this Code include all matters associated with applications for allocation of housing including waiting lists (hereinafter referred to as 'Housing Applications'). Officers of the Council handle such housing matters in accordance with adopted policy. Housing Strategy and Policy are the remit of Strategy Group and Council.
- 1.2 All housing applications are dealt with by the Executive Director (Community) in accordance with the Choice Based Lettings Scheme as agreed by the Council.

2. GENERAL PRINCIPLES FOR DEALING WITH HOUSING MATTERS

- 2.1 Members shall agree to abide by the terms of the Local Code of Conduct for Housing Matters.
- 2.2 Members should represent their constituents as a body and should not favour any individuals or groups. Each Member should act in the interests of the whole District.
- 2.3 Members (and Officers) should not act as paid agents or consultants on housing matters falling within the jurisdiction of the Council as local housing authority.
- 2.4 Housing applications will be determined in accordance with the provisions of the Council's Choice Based Lettings Scheme and relevant housing legislation.
- 2.5 Members should not disclose to a third party information submitted to them on a confidential basis.
- 2.6 Members involved in decisions on housing matters must not treat their Member colleagues or former Member colleagues on the Council more favourably than they would other persons or bodies.
- 2.7 Members should advise the Monitoring Officer of interests that arise.

3. INTERESTS IN HOUSING APPLICATIONS

- 3.1 A Member who has submitted, or intends to submit, or whose family member or close associate (e.g. a spouse, partner, close relative or close acquaintance) have submitted, or intend to submit, a housing application is likely to have a disclosable interest and should refrain from lobbying of other Members. Nor should such a Member use his or her position to:
 - (a) gain access to Officers to pursue his or her interest; or
 - (b) bring improper pressure to bear on Officers.

He or she should appoint an agent to act on his or her behalf in negotiations or discussions. Any Member who submits a housing application should notify the Council's Monitoring Officer who shall confirm that correct procedure has been followed.

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- 3.2 Where a Member, a member of their family or close associate (e.g. a spouse, partner, close relative or close acquaintance) is affected by a housing application submitted by a third party, he/she is likely to have a disclosable interest and should similarly refrain from lobbying of other Members or from using his or her position to:
- (a) gain access to Officers to pursue his or her interest; or
 - (b) bring improper pressure to bear on Officers.
- 3.3 A Member who has a disclosable interest in a housing matter could advise constituents to address their representations to another ward Member or a Member of an adjacent ward who is not so affected.
- 3.4 When visiting the Council offices to discuss his or her housing application or prospective housing application (or that of a family member or close associate), a Member should regard himself or herself as a member of the public and make use of the interview facilities provided and should not seek to gain access into non public sections of Council Offices to discuss the matter directly with housing staff.
- 3.5 If a Member wishes to discuss with housing staff any other relevant housing matter, advance notice should be given by telephone or email (or otherwise as may be appropriate) to the Executive Director (Community) or other relevant Officer.
- 3.6 Housing staff will only discuss individual housing applications with Members on production of appropriate written authority from the applicant or prospective applicant concerned and where there would otherwise be no breach of data protection requirements.

4 INTERESTS IN HOUSING STRATEGY AND POLICY FORMULATION

- 4.1 Where a Member has a disclosable interest affecting/affected by emerging housing strategy or policy, he/she should refrain from lobbying of other Members or from using his or her position to:
- (a) gain access to Officers to pursue his or her interest; or
 - (b) bring improper pressure to bear on Officers.

5 INVOLVEMENT IN RELATED MEETINGS

- 5.1 Where a Member has a disclosable interest in a housing strategy or policy matter, the Member shall not take part in any associated site inspection, debate or decision at a Committee or other Council organised forum where the matter is discussed/considered, subject to the Council's rules on Public Participation at Committees.

6 LOBBYING

- 6.1 Members who are lobbied in respect of a particular housing matter should avoid expressing a view on it and restrict themselves to giving procedural advice.
- 6.2 Where material is sent directly to Members by applicants or other interested parties in relation to any housing matter, Members should advise those persons or organisations to send, wherever possible, copies of such information to the Executive Director (Community) if they have not already done so. Members should not assume that this has already been done. If a Member intends to rely upon such information

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received in the consideration of a housing strategy or policy matter, he/she should ensure that the Executive Director (Community) is aware of the information supplied by the close of business on the day prior to the date of the meeting at which the matter is to be considered.

- 6.3 All negotiations with applicants on submitted, or intended, housing matters are to be carried out by Officers.
- 6.4 Members should not seek to influence Officers or pressure Officers to support a particular course of action.

(D) SUPPLEMENTARY LOCAL CODE OF CONDUCT FOR DEALING WITH GIFTS AND HOSPITALITY

[The Local Code of Conduct for Dealing with Gifts and Hospitality supplements the adopted general Local Code of Conduct for Members and should be read in conjunction with it accordingly].

1. GIFTS AND HOSPITALITY OFFERED TO MEMBERS

- 1.1 Members should treat with caution any offer of a gift, favour or hospitality that is made to them personally. Whilst the person or organisation making the offer may be doing so entirely without expectation of gain, the public may see it differently if that person or organisation is currently carrying out work for, or seeking to do business with, the Council, or may be applying to the Council for planning permission or some other kind of permission/decision. Members should ask themselves “Would I have been given this if I was not on the council?” If in doubt as to the motive, Members should register it.
- 1.2 It is essential that any suggestion of improper influence should be avoided. When receiving offers of gifts and hospitality, Members should be particularly sensitive as to their timing in relation to decisions which the Council may be taking affecting those providing the gift or hospitality. For example, hospitality must not be accepted knowingly from interested parties during the tendering period of a contract, or whilst an application for planning permission or some other kind of permission/decision is being considered by the Council.
- 1.3 Members may come into contact with individuals seeking to enhance the prospects of their business. Sometimes suppliers (or potential suppliers/tenderers for services) make approaches to Members with a view to demonstrating a particular product or service. In order to avoid suspicion of unhealthy influence, Members should ensure that such offers are advised to appropriate officers.
- 1.4 Members do not need to register gifts and hospitality that are not related to their role as a Member.
- 1.5 The Local Code of Conduct sets out the requirement for Members to register the receipt of any gift or hospitality worth £25 or over that they receive in connection with their official duties as a Member. If in doubt as to the value, the Member should register the offer anyway. Also an accumulation of gifts from the same source over a short period that adds up to £25 or over should be registered. The Member must register the gift or hospitality and its source in the register of interests within 28 days of receiving it.
- 1.6 The Register of Members Interests is the register for recording any Members’ receipt of gifts and hospitality £25 or more in value. It is maintained by the Monitoring Officer. Members should immediately notify the Monitoring Officer of such gifts or hospitality received and enter the relevant details in the register.
- 1.7 Like other interests in the Register of Members Interests, a Member automatically has an interest in a matter under consideration if it is likely to affect a person who gave the gift or hospitality. It could also amount to a disclosable interest. Once 3 years have passed since a Member registered a gift or hospitality, the Member’s obligation to disclose the interest to meetings ceases.

2. HOSPITALITY OFFERED BY COUNCILLORS

- 2.1 Hospitality should only be provided when it is clearly related to the Council's business and in the Council's interests. It is essential that any suggestion of improper influence should be avoided. Hospitality must not be given knowingly to interested parties during the tendering period of a contract, or whilst an application for planning permission or some other kind of permission/decision is being considered by the Council.
- 2.2 Expenses claims for lunches, dinners and other similar hospitality must only be made by Councillors or senior officers if the subject(s) under discussion relates to Council business, not private or party political matters.
- 2.3 If there is any doubt about the propriety of a particular claim or whether or not a subject relates to private or party political matters, advice should be sought from the Monitoring Officer.
- 2.4 Details of the individual(s) for whom hospitality has been provided, together with the purpose and aim(s) of the meeting should be notified to the Monitoring Officer.
- 2.5 Members should be confident that whatever they do would be seen to be an example to the community of proper conduct and behaviour.