

## **CODE OF CONDUCT FOR MEMBERS**

### **Code dealing with the conduct expected of members and voting co-opted members of Pendle Borough Council when acting in that capacity.**

You are a member or co-opted member of Pendle Borough Council and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Accordingly, when acting in your capacity as a member or co-opted member –

- You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
- You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
- You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
- You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.
- You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take 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.
- You must always treat people with respect, including the organisations and public you engage with and those you work alongside.
- You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly (including for political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- You must behave in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.
- You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.
- You must take account of relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.

#### **Registering and declaring pecuniary and non-pecuniary interests**

You must, within 28 days of taking office as a member or co-opted member, notify your authority's Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, 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.

In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's Monitoring Officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.

If an interest has not been entered onto the authority's register, then the member must disclose the

interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a “sensitive interest.”

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

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non pecuniary interest as defined by your authority.

A “meeting” includes meeting of the full Council, Committees and Sub-Committees.

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.

## Disclosable Pecuniary Interests

The following interests are Disclosable Pecuniary Interests (under the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012)

Subject	Prescribed
Employment, office trade, profession or vocation	An 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) ("relevant authority" means the authority of which M is a member) made or provided within the relevant period ("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) of the Act) 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.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person ("relevant person" means M or any other person referred to in Section 30(3)(b) of the Act) has a beneficial interest ("body in which a person has a beneficial interest" means a firm in 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) and the relevant authority –  (a) under which the 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 ("land" does not include 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 ("relevant authority" means the authority of which M is a member).
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 area of the relevant authority; and

	<p>(b) either –</p> <p>(c) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(d) 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.</p> <p>(“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).</p>
--	--

## Register of Interests

1. The Borough Council’s Monitoring Officer has to establish and maintain a Register of Interests for all members and co-opted members of the Borough Council.
2. The Borough Council’s Monitoring Officer has to establish and maintain the Register of Interests for all members and co-opted members of all Parish and Town Councils in the Borough.
3. Entries can be deleted where a member or co-opted member no longer has that interest or the person concerned is no longer a member or co-opted member.
4. The Borough Council’s Register has to be made available for inspection at “a place in the authority’s area at all reasonable hours” and published on the Borough Council’s website.
5. For Parish and Town Council Registers:
  - (a) These have also to be made available for inspection at “a place in the authority’s area at all reasonable hours”;
  - (b) A copy has to be published on the Borough Council’s website.
  - (c) If the Parish or Town Council has a website, a copy has to be published on there also.

## Disclosure of Interests for the Register

1. Members and co-opted members have to disclose all their Disclosable Pecuniary Interests to the Monitoring Officer within 28 days of becoming a member or co-opted member. The Disclosable Pecuniary Interests of the following are treated as being Disclosable Pecuniary Interests of the member:
  - (a) The member’s spouse or civil partner;
  - (b) A person with whom the member is living as husband and wife;
  - (c) A person with whom the member is living as if they were civil partners.

AND the member or co-opted member is aware that the other person has the interest.

2. The Borough Council’s Monitoring Officer has to record in the register all the interests which are notified to him, even if these aren’t Disclosable Pecuniary Interests.

## Disclosure of Interests at Meetings

1. These disclosure obligations apply to meetings of a Council, including committees, sub-committees, joint committees and joint sub-committees.
2. If a member has a Disclosable Pecuniary Interest in a matter to be considered, or being considered, at any of the meetings described above and they are aware of this fact, then the member must not participate, or participate further, in any discussion of the matter at the meeting or participate in any vote on the matter at the meeting.
3. If the interest isn't entered in the Register of Interests, the member must disclose the interest to the meeting and must notify the Monitoring Officer within 28 days about the interest (if he or she hasn't already done so).
4. Section 31(10) of the Act says that a Council's standing orders may provide that members have to leave the room while a discussion or vote takes place on a matter where a member has a Disclosable Pecuniary Interest. This requirement therefore doesn't flow from the Act itself, neither is there now any facility for a member with a Disclosable Pecuniary Interest to make a statement on a matter before they leave the room (if required by Standing Orders to do so).

## Dispensations

1. A Council may grant a dispensation to a member or co-opted member of that Council (on receipt of a written request) to speak and vote on a matter where they have a Disclosable Pecuniary Interest. A Council may grant a dispensation where, having had regard to all the relevant circumstances it:
  - (a) Considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business.
  - (b) Considers that without the dispensation the representation of different groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.
  - (c) Considers that granting the dispensation is in the interests of persons living in the authority's area.
  - (d) Considers that without the dispensation each member of the committee (Previously it referred to "each member of the Council's Executive" so should this just refer to Policy and Resources Committee?) would be prohibited from participating in a particular item of business.
  - (e) Considers that it is otherwise appropriate to grant a dispensation.
2. Any dispensation granted must specify how long it will last, up to a maximum of 4 years.

## Offences

1. The offences under the Act are:
  - (a) Without reasonable excuse, to fail to register all Disclosable Pecuniary Interests within 28 days of becoming a member.
  - (b) Without reasonable excuse, to fail to declare a Disclosable Pecuniary Interest at a meeting where a member has such an interest in a matter under discussion.

- (c) Without reasonable excuse, to fail to register a Disclosable Pecuniary Interest within 28 days of declaring it at a meeting.
  - (d) Without reasonable excuse, to participate in the discussion of and/or vote on a matter where the member has a Disclosable Pecuniary Interest.
2. It is also an offence to provide false or misleading information (or to be reckless whether information is true and not misleading) in respect of the above offences.
  3. The maximum penalty for the above offences is a fine not exceeding Level 5 (£5,000). In addition a court can disqualify a member or co-opted member for a period not exceeding 5 years.
  4. No prosecutions for these offences can be begun except by or on behalf of the DPP.