

**Code dealing with the conduct expected of members and co-opted  
Members of Hyndburn Borough Council when acting in that capacity**

**Part 1: General**

1. You are a member of Hyndburn Borough Council and when acting as such you must have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
2. Accordingly, when acting in your capacity as a member -
  - a) 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.
  - b) 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.
  - c) 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.
  - d) You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
  - e) You must be as open as possible about your decisions and actions and the decisions and actions of the Council and should be prepared to give reasons for those decisions and actions.
  - f) 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.
  - g) You must always treat people with respect, including the organisations and public you engage with and those you work alongside.
  - h) You must, when using or authorising the use by others of Council resources, 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.

- i) You must behave in accordance with all the Council's legal obligations, and must comply with the Council's policies, protocols and procedures, including on the use of the Council's resources.
- j) You must promote and support high standards of conduct when serving in your public post, demonstrating the characteristics set out in paragraph 1, by leadership and example.
- k) You must take account of relevant advice from the Council's statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.

## **Part 2: Interests**

### **3. Definitions**

A 'meeting' includes meetings of full Council, Cabinet, Committees and Sub-Committees and any meetings with officers at which you seek to influence a decision to be taken by an officer acting under delegated powers.

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.

The "Monitoring Officer" means the Executive Director (Legal & Democratic Services) or her / his nominated representative

### **4. Gifts and Hospitality**

You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £100 which you have accepted as a member from any person or body other than the Council.

The Monitoring Officer will place your notification on a public register of gifts and hospitality.

### **5. Disclosable pecuniary interests**

#### **Notification of disclosable pecuniary interests**

Within 28 days of this Code being adopted by the Council or your becoming a member of the Council (whichever is the later), you must notify the Monitoring Officer of your 'disclosable pecuniary interests'.

A 'disclosable pecuniary interest' is an interest prescribed as such in regulations. These interests are described in the Code of Conduct Guidance (a copy of which is appended to this Code) which relates to or affects you or your partner (which means your spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners).

### **Non participation in case of disclosable pecuniary interests**

If you are present at a meeting and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting:

1. You may not participate in any discussion of the matter at the meeting.
2. You may not participate in any vote taken on the matter at the meeting.
3. If the interest is not registered, you must disclose the interest to the meeting.
4. If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

**Note:** In addition, the Council Procedure Rules require you to leave the room where the meeting is held while any discussion or voting takes place on an item in which you have a disclosable pecuniary interest.

### **Dispensations**

The Council's Standards Committee may grant you a dispensation to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest if:

1. The number of members prohibited from taking part in the relevant business would be so great as to impede the transaction of the business; or
2. The number of members prohibited from taking part in the relevant business would be so great as to affect the likely outcome of the vote; or
3. The grant of the dispensation is in the interests of people living in the Borough; or
4. Without the dispensation every member of the Cabinet would be prohibited from taking part in the relevant business; or
5. It is otherwise appropriate to grant a dispensation.

### **Offences**

It is a criminal offence to

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of your election
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register and which you have disclosed at a meeting
- Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
  - Knowingly or recklessly provide information that is false or misleading in notifying the 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.

## **6. Personal Interests**

### **Notification of personal interests**

You must, within 28 days of this Code being adopted by the Council or your election as a member (whichever is later), notify the Monitoring Officer in writing of the details of the following personal interests for inclusion in the register of interests

You will have a personal interest in:

- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council;
- (ii) any body—
  - (aa) exercising functions of a public nature; or
  - (bb) directed to charitable purposes; or
  - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
    - of which you are a member or in a position of general control or management;

### **Disclosure of personal interests**

Where you have a personal interest in any business of the Council, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting at which the business is considered, you must disclose to that meeting the existence and nature of your personal interest at the commencement of the meeting, or when the interest becomes apparent.

## **7. Changes to personal or pecuniary interests**

You must, within 28 days of becoming aware of any new personal or pecuniary interest or of any change to a personal or pecuniary interest you have already registered, notify the Monitoring Officer of the details of that new interest or change.

## **8. Register of interests**

Any personal or pecuniary interests notified to the Monitoring Officer will be included in the Council's register of members' interests.

A copy of the register will be available for public inspection and will be published on the authority's website.

## **9. Sensitive interests**

Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the

register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

## Code of Conduct Guidance

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 define disclosable pecuniary interests as follows:

A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

(In the extracts from the Regulations below, 'M' means you and 'relevant person' means you and your partner, as above)

Subject	Prescribed description
Employment, office, trade, profession or vacation	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.
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	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) 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>(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.</p>
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These descriptions on interests are subject to the following definitions;

*“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 authority 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;*

*“relevant person” means M or any other person referred to in section 30(3)(b) 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 and other securities of any description, other than money deposited with a building society.*