

Part 4 – codes & protocols

b. code of conduct of Hinckley & Bosworth Borough Council

CONTENTS

Paragraph

- 1 Obligations
- 2 Definition
- 3 Personal interests
- 4 Personal interests which might lead to bias
- 5 Registration of interests
- 6 Sensitive interests
- 7 Dispensations

You are a member or co-opted member of Hinckley and Bosworth Borough Council and as such, when performing your role as a member or co-opted member you are bound by this code of conduct.

1. Obligations

You will:

- 1.1 Have regard to the Nolan principles* of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 1.2 Strive to establish respectful and courteous relationships with everyone you come into contact with as a member.
- 1.3 Follow adopted corporate operational policies of the council.
- 1.4 Not disclose confidential information for any other purpose than that provided by the law, unless in the public interest.
- 1.5 Use council resources for the undertaking of council duties and not for any other purposes.

2. Disclosable pecuniary interests

2.1 Definition

2.1.1 You have a disclosable pecuniary interest in any business of the authority if it is of a description specified in regulations made by the Secretary of State and the interest is:

- Yours
- Your spouse's or civil partner's
- That of somebody with whom you are living as husband and wife or as if you are civil partners

And you are aware (in the latter two) that the other person has the interest.

2.2 Declaring at and participation in meetings

2.2.1 If you are present at any meeting of the authority and you have a disclosable pecuniary interest in any matter to be considered or being considered and the interest is not a 'sensitive interest', at the meeting:

- You must disclose the interest to the meeting whether or not it has been registered
- Unless a dispensation has been given, you may not participate in any discussion on the matter at the meeting
- Unless a dispensation has been given, you may not participate in any vote taken on the matter at the meeting.

2.2.2 Where you have a disclosable pecuniary interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise, and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

2.2.3 Following any disclosure of a disclosable pecuniary interest at a meeting which is not on the authority's register or the subject of a pending notification, you must notify the Monitoring Officer in writing of the interest within 28 days beginning with the date of disclosure.

2.2.4 Where a member of the Executive may discharge functions alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by him/her, the member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

3. Personal interests

3.1 Definition

3.1.1 You have a personal interest in any business of the authority where either:

- It relates to or is likely to affect:
 - 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 authority
 - Any body exercising functions of a public nature; directed to charitable purposes; or one of whose principle purposes includes the influence of public opinion or policy (including any political party or trade union)
 - The interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50 within the last 12 months.
- A decision in relation to that business might reasonably be regarded as affecting your wellbeing or financial position or the wellbeing or financial position of a relevant person to a greater extent than the majority of other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

3.2 For the purposes of paragraph 3.1.1, a 'relevant person' is:

- A member of your family or any person with whom you have a close association
- Any person or body who employs or has appointed such persons, any firm in which they are a partner or any company of which they are directors

- Any person or body in whom such persons have a beneficial interest and a class of securities exceeding the nominal value of £25,000 or one hundredth of the total issued share capital of that body
- Any body of a type described in bullet point 1, points 1 & 2 of paragraph 3.1.

3.3 Declaring and participation in meetings

- 3.3.1 Subject to paragraph 2.10 below, where you have a personal interest in any business of the authority and where you are aware or ought reasonably to be aware of the existence of the personal interest and you attend a meeting of the authority where such business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of the meeting and prior to any discussion of the relevant item, or as soon as the interest becomes apparent to you.
- 3.3.2 Where you have a personal interest you may remain in the meeting, speak and vote on the matter unless to do so would compromise your impartiality obligations or any other obligations set out in this code.
- 3.3.3 Where you have a personal interest but, by virtue of paragraph 6.1, sensitive information relating to it is not registered in the authority's register of members' interests, you must indicate to the meeting that you have a personal interest but need not disclose the sensitive information to the meeting.

4. Personal interests which might lead to bias

4.1 Definition

- 4.1.1 In addition to the requirements in relation to disclosable pecuniary interests referred to in paragraph 2 of this code, you have a personal interest which might lead to bias in any business of the authority where:
- You have a personal interest as defined in paragraph 3.1
 - That personal interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- 4.1.2 The provisions of paragraph 4.1.1 shall be applied in such a manner as to recognise that this code should not obstruct a member's service on more than one local authority. For the avoidance of doubt, participation in discussion and decision making at one local authority will not by itself normally prevent you from taking part in discussion and decision making on the same matter at another local authority. This is on the basis that a reasonable member of the public will see no objection in principle to such service or regard it as prejudicing a member's judgement of the public interest and will only regard a matter as giving rise to a personal interest which might lead to bias in exceptional circumstances.

4.2 Declaring and participation in meetings

- 4.2.1 If you are present at any meeting of the authority and you have a personal interest which might lead to bias in any matter to be considered or being considered, and the interest is not a sensitive interest, subject to paragraphs 4.2.2 and 4.2.3 below, at the meeting:
- You must disclose the interest to the meeting (whether or not it is registered)
 - Unless a dispensation has been given, you may not participate in any discussion of the matter at the meeting

- Unless a dispensation has been given, you may not participate in any vote taken on the matter at the meeting.

4.2.2 Where you have a personal interest which might lead to bias in any business of your authority, you may attend a meeting only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise, and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

4.2.3 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a personal interest which might lead to bias if the matter relates to:

- Housing, where you are a tenant of the authority provided that those functions do not relate particularly to your tenancy or lease
- School meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends
- An allowance, payment or indemnity given to members
- Any ceremonial honour given to members
- Setting council tax or precept under the Local Government Finance Act 1992.

5. Registration of interests

5.1 Subject to paragraph 6.1 (sensitive interests), you must within 28 days of the adoption of this code or your election or appointment to office as a member (where that is later) notify the Monitoring Officer in writing of any disclosable pecuniary interest, as defined in paragraph 2.1.

5.2 Subject to paragraph 6.1 (sensitive interests), you must, within 28 days of becoming aware of any new disclosable pecuniary interest or any change to any such interest, notify the Monitoring Officer in writing of the details of that new interest or change.

6. Sensitive interests

6.1 Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being the subject of 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.

7. Dispensations

7.1 To enable you to participate and vote on a matter in which you have a disclosable pecuniary interest or a personal interest that might lead to bias, the council may grant you a dispensation in accordance with rules and procedures established by the authority.

* The Nolan Principles

| | |
|------------------------------|--|
| Principle 1 – selflessness: | Holders of public office should act solely in terms of the public interest. |
| Principle 2 – integrity: | Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships. |
| Principle 3 – objectivity | Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. |
| Principle 4 – accountability | Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this. |
| Principle 5 – openness | Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing. |
| Principle 6 – honesty | Holders of public office should be truthful. |
| Principle 7 – leadership | Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs. |

Definitions

“Meeting” means any meeting of Council, the Executive or any of the council’s bodies or joint committees.

“Member” means any person being an elected or co-opted member of the authority.

In relation to a parish council, references to the authority’s Monitoring Officer is the Monitoring Officer of the borough council.

“Corporate operational policies” are policies such as personnel policies, financial procedure rules, equalities or IT policies.