

Code of Conduct for Members of the Burnley Town Board, and Guidance on the Code

THE CODE OF CONDUCT

This Code applies to members of the Town Board. It is your responsibility to comply with this Code.

You must comply with this Code whenever you—

- a) conduct the business of the Town Board ; or
- b) act, claim to act or give the impression you are acting as a representative of the Town Board.

Standards of Behaviour

When acting in a Board Member capacity, members must be committed to behaving in a manner that is consistent with the Nolan principles asset out below, to achieve the best outcomes for our residents and maintain public confidence in the actions of the Board;

- ***Selflessness***
Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
- ***Honesty and Integrity***
Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
- ***Objectivity***
Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
- ***Accountability***
Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

- **Openness**
Members should be as open as possible about their actions and those of their authority and should be prepared to give reasons for those actions.
- **Leadership**
Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

Reasonableness

When taking part in the decision-making processes, you should:

- take into consideration everything you regard as relevant, or which you are advised is relevant;
- disregard anything which you consider is not relevant, or which you are advised is not relevant;
- follow the correct procedure.
- When reaching decisions on any matter you must have regard to any relevant advice provided to you by-
 - (a) Burnley Council's chief finance officer; or
 - (b) Burnley Council's monitoring officer,

Sometimes you may have to take decisions that you personally disagree with if these are the "right" decisions for the Board, taking account of the above factors.

Fiduciary Duty

In law, a fiduciary is someone who occupies a position of such power and confidence over the property of another that the law **requires** him or her to act solely in the interests of the person he/she represents. This is in contrast with an ordinary business relationship, in which each party is free to seek purely personal benefits from his or her transactions with the other. So, for example, a guardian, a trustee or an executor are all fiduciaries.

As a Board Member with influence over the use of public funding for which the Council is accountable, you are in a position of trust. You have a **fiduciary duty** to act in the interests of the people of Burnley and, in some cases, in the wider public interest.

Conflict of Interests

Having regard to the nature of the likely interventions that will be explored as part of development of the Investment Plan, from time to time a conflict of interest may arise for Board Members.

A conflict of interest arises where a Board Member, a close associate, immediate family, business, organisation or employer has an interest in a matter which is the same as, connected to or may be affected by the matter under discussion.

A Register of Interest will be maintained by the Secretary to the Board. At a meeting, Members must declare any interest which they have in any matter to be considered at that meeting.

If the interest in the matter being discussed which a member of the public who knew of the facts would reasonably regard as so significant that it is likely to prejudice the Board Members judgement of the Board's interest in the matter, then the Board Member must declare the interest at the start of the agenda item and must not vote on the matter. However, as the Board Member may have particular skills and knowledge relating to the topic under discussion, for example financial, viability or feasibility, the Board Member will be able to take part in the debate.

Members should complete and return the Declaration of Interests form provided. Should any additional conflicts arise, these should be notified or declared in the meeting at which they arise. They have a duty to keep their declared interests up to date.

Registration of Gifts and Hospitality

Board Members must declare any gift or hospitality worth £25 or over received (or offered), in connection with their official duties as a Board Member and the source of that gift or hospitality (or offer) within 28 days of receiving it. Acceptance by Board Members of hospitality through attendance at relevant events, conferences and other Board related activity is acceptable where it is clear the hospitality is corporate rather than personal.

The Secretary shall maintain a Gifts & Hospitality Register.

Confidentiality

All papers marked as confidential and all discussions at meetings in relation to confidential items shall not be disclosed outside the Board.

Breaches of the Code of Conduct

1. Any suspected breaches of the Code of Conduct reported to the Council will be referred to the Council's Monitoring Officer for investigation as set out in the Terms of Reference.
2. Members are required to comply with any investigation in relation to complaints against their conduct or relating to other elected members of the authority. Failure to do so is considered a breach of the Code of Conduct.
3. Failure to uphold the Code of Conduct may lead to removal from the Board as set out in the Terms of Reference.

Dealing with the Media

Be wary of what you say to the media. It can sometimes be misquoted or taken out of context.

The proper spokesperson for the Town Board (i.e. the person with authority to speak on behalf of the Board) is either the Chair or the Chief Executive of the Council. If in doubt, seek advice from the Council's Public Relations Officer.