

Focus on Farnworth Board Code of Conduct

PART 1: THE PURPOSE OF THE CODE OF CONDUCT AND GUIDANCE

1 Definitions and Interpretation

1.1 In this Code of Conduct the following definitions apply:

- (a) “Associated Person” means:
 - (i) a member’s spouse or civil partner
 - (ii) a person a member is living with as husband and wife, and,
 - (iii) a person a member is living with as if they were civil partners.
 - (iv) A child, parent, grandparent, grandchild, brother, or sister
 - (v) A person who is a business partner or any of the relatives mentioned above.
 - (vi) An organisation controlled by any of the connected people mentioned above.
 - (vii) A company or body where any connected person (or several connected people together) has a substantial interest.
- (b) “**Board**” means the Farnworth Neighbourhood Board pursuant to and for the purposes of the Neighbourhood Plan.
- (c) “**Code**” means this code of conduct, the imposition of which (on the Members) is a legal requirement and a requirement of the Plan for Neighbourhoods.
- (d) “**Farnworth’s Constitution**” means the constitution of the Farnworth Neighbourhood Board (as amended from time to time) pursuant to which the Board exercises its functions and duties.
- (e) “**Council’s Policies**’ means the following:
 - (i) Bolton 2030 Vision
 - (ii) Bolton Council Ethical (Procurement) Policy
 - (iii) GMCA Social Value Policy
 - (iv) Greater Manchester 5 Year environment Plan 2019- 2024
 - (v) The Bolton Economy – Our Strategy for Growth 2016-2030
 - (vi) The Bolton Social Value Framework,together with:

- (vii) any further iterations, updates or revisions to each of the above policies from time to time; and
- (viii) any other policies that the Council may introduce from time to time.
- (f) **“Funds”** any funds drawdown pursuant to the Plan for Neighbourhoods or any other funds which are made available for the purposes of delivering or furthering the Objectives.
- (g) **“Managing Public Monies Principles”** means the principles for the management of public monies as set out in the HM Treasury issued publication titled “Managing Public Money” or any substituted publication.
- (h) **“Meeting”** means any meetings of:
 - (i) the Board; and/or
 - (ii) any of the Board’s committees or sub-committees, joint committees or joint sub-committees.
- (j) **“Member”** means any individuals or other persons so appointed (whether in substitution or otherwise) in accordance with the Terms of Reference.
- (k) **“Neighbourhood Board or the Board”** means a board of members set up as such, pursuant to the Farnworth Plan for Neighbourhoods
- (l) **“Nolan Principles”** means the “Seven Principles of Public Life”
- (m) **“Objectives”** means the objectives of the Board as set out in the Terms of Reference and/or such other objectives as may be imposed upon or otherwise adopted by the Board from time to time
- (n) **“Overriding Obligations”** means the following obligations of Bolton Council:
 - (i) acting as an accountable body for the Funds to ensure that:
 - (A) they are distributed fairly and effectively, and that the management of Funds complies with Nolan Principles and Managing Public Money Principles
 - (B) the administration of any Funds complies with the Subsidy Control Act 2022
 - (ii) ensuring that all Funds are managed in accordance with relevant public contract regulations (which includes the Public Contracts Regulations 2015) together with ensuring that all relevant goods and services are purchased in accordance with any applicable rules (which includes the Procurement Act 2023); and
 - (iii) ensuring program assurance for the delivery of the Plan for Neighbourhoods by the Board (and those acting on behalf of the Board) through ensuring all such activity is undertaken in accordance with Farnworth’s Constitution, the Council’s Constitution, Policies and any other statutory and legal framework within which the Council operates (regardless as to whether or not the particular framework is referred to in this Code).

- (o) **“Plan for Neighbourhoods”** means the UK Government’s Plan for Neighbourhoods which provides for (inter alia) the Objective, the inception of Neighbourhood Boards and the corresponding grant of public Funds
- (p) **“Relevant Person”** means
 - (i) a member of your family;
 - (ii) any person with whom you have a close association;
 - (iii) (an employer of any a person described in (i) and/or (ii) above;
 - (iv) a firm in which a person described in (i) and/or (ii) above is a partner;
 - (v) a company in which a person described in (i) and/or (ii) above is a director,
- (q) **“Terms of Reference”** means the document with the same title and dated the same date of this Code and which relates to the Board

1.2 In this Code the following rules of interpretation apply:

- (a) a reference to a statute, statutory provision or subordinate legislation is a reference to it as amended, extended or re-enacted from time to time.;
- (b) a reference to a statute or statutory provision shall include all subordinate legislation made from time to time under that statute or statutory provision.
- (c) A reference to a policy, best practice, guidelines and regulation is to such matters from time to time

2 The purpose of the Code

The purpose of this Code is to assist you, as a Member, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Members, local authority officers and the reputation of both local and central government. It sets out general principles of conduct expected of all Members and your specific obligations in relation to those standards of conduct.

3 Guidance – General Principles

3.1 Everyone in public office at all levels (including Members of a Neighbourhood Board); all who serve the public or deliver public services, including ministers, civil servants, councillors, local authority officers and Members should uphold the Nolan Principles. Building on these principles the General Principles were developed by Bolton Council and Members must act at times in accordance with the General Principles.

3.2 The General Principles are:

- (a) **Selflessness:** Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
- (b) **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.
- (c) **Objectivity:** Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
- (d) **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 role on the Board.
- (e) **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.
- (f) **Personal Judgement:** Members may take account of the views of others, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.
- (g) **Respect for Others:** Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the Council's officers and employees, the communities for whom the Board has been incepted and all others with whom they interact.
- (h) **Duty to Uphold the Law:** Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.
- (i) **Stewardship: Members** should do whatever they are able to do to ensure that the Board's resources are used prudently and in accordance with the law
- (j) **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.

4 Guidance – application of the Code

- 4.1 This Code applies to you when you are acting in your capacity as a Member, which may include when:
 - (a) you misuse your position as a Member;
 - (b) your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Member;
- 4.2 The Code applies to all forms of communication and interaction, including:
 - (a) at face-to-face meetings
 - (b) at online or telephone meetings

- (c) in written communication
- (d) in verbal communication
- (e) in non-verbal communication
- (f) in electronic and social media communication, posts, statements and comments.

4.3 The Council's Monitoring Officer or Deputy Monitoring Officer is responsible for ensuring that the provisions of the Code are being observed and performed by all those who have a legal obligation to do so. To this end:

- (a) every Member must participate in and complete any Code training (including training on Core Policies) that is required by the Council or its Monitoring Officer or Deputy Monitoring Officer (from time to time) and this is a compulsory requirement and is to be treated as separate and independent to any other training that Members may undertake outside of their capacity as Members of the Board; and
- (b) records of attendance will be maintained by the Monitoring Officer or Deputy Monitoring Officer and any failure to attend or otherwise complete training when required to do, will be referred to the Chair for further action.

PART 2: THE CODE OF CONDUCT

1 Application of the Code

- 1.1 This Code applies to you as a Member of the Board
- 1.2 It is your responsibility to comply with this Code. Failure to do so may result in a sanction being applied by the Council in its capacity as accountable body.
- 1.3 Breaches and purported breaches of the Code will be investigated in line with the Council's Constitution
- 1.4 You must not:
 - (a) do anything which may knowingly cause your Board or Bolton Council to breach the Equality Act 2010;
 - (b) bully or be abusive to any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be:
 - (i) a complainant,
 - (ii) witness, or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with his or her authority's code of conduct; or

- (iv) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, Bolton Council.

1.5 You must not:

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) you have the consent of a person authorised to give it;
 - (ii) you 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:
 - (A) reasonable and in the public interest; and
 - (B) made in good faith and in compliance with the reasonable requirements of Bolton Council; or
 - (C) prevent another person from gaining access to information to which that person is entitled by law.

1.6 You must not conduct yourself in a manner which could reasonably be regarded as bringing the Board or Bolton Council into disrepute.

1.7 You must not do anything that would cause (or would likely cause) you, any other Member of the Council to be in breach of the Overriding Obligations and you must promptly report any suspicions of breach to the Monitoring Officer or Deputy Monitoring Officer and comply with any directions that the Monitoring Officer or Deputy Monitoring Officer may make in respect of and must dealing with your report.

1.8 You:

- (i) must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (ii) must, when using or authorising the use by others of the resources of the Board and/or Bolton Council:
- (iii) must act in accordance with the Council's reasonable requirements or (where the Council imposes requirements conditions or restrictions to avoid or rectify a breach of the Overriding Obligations) the Council's requirements; and

- (iv) must ensure that such resources are not used improperly for political purposes (including party political purposes);
- (v) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

1.9 When reaching decisions on any matter you must have regard to, any relevant advice provided to you by:

- (a) the Council's Chief Finance Officer or such deputy; or
- (b) the Council's Monitoring Officer or such deputy;
- (c) where such officer is acting pursuant to their personal statutory duties.

1.10 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by Bolton Council.

2 Disclosable Pecuniary Interests

- 2.1 You must without delay but by no later than the date which is 28 days of your appointment to office as a Member, notify the Monitoring Officer or Deputy Monitoring Officer of any Disclosable Pecuniary Interests you have.
- 2.2 You must, notify the Monitoring Officer or Deputy Monitoring Officer within 28 days of becoming aware of any changes to a Disclosable Pecuniary Interest previously notified or of any new Disclosable Pecuniary Interest not previously notified.
- 2.3 If a Disclosable Pecuniary Interest, has not been entered onto the Board's register of interests, then the Member must disclose the interest to any meeting of the Board at which they are present, where they have a Disclosable Pecuniary Interest and where the matter is not a "Sensitive Interest".
- 2.4 Following disclosure of a Disclosable Pecuniary Interest not on the Board's register or the subject of pending notification, you must notify the Monitoring Officer or Deputy Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
- 2.5 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 Disclosable Pecuniary Interest.
- 2.6 Any interests notified to the Monitoring Officer or Deputy Monitoring Officer will be included in the register of interests at their sole discretion. A copy of the register will be available for public inspection and will be published on the Board's website.

- 2.7 Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and a fine of up to £5,000 and /or disqualification from office for a period of up to 5 years.
- 2.8 A Disclosable Pecuniary Interest is an interest which you or your Associated Person has within the following descriptions:

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 this council) made or provided for up to 1 year after you have given a notification of a Disclosable Personal Interest to the Monitoring Officer in respect of any expenses incurred by a Member in carrying out duties as a Member, or towards the expenses of a 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.</p>
Contracts	<p>Any contract which is made between a Member or his/her Associated Person (or a body in which a Member or his/her Associated Person is a partner, a director (a director includes a member of the committee of management) —</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	<p>Any beneficial interest in land which is within the borough of Bolton. The definition of land excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the member or his/her Associated Person (alone or jointly with another) to occupy the land or to receive income;</p>
Licences	<p>Any licence (alone or jointly with others) to occupy land in the borough of Bolton for a month or longer.</p> <p>Corporate tenancies Any tenancy where (to a member's knowledge)—</p> <p>(a) the landlord is this council; and</p> <p>(b) the tenant is a body in which the member or his/her associated person has a beneficial interest.</p>

EMPLOYMENT, OFFICE, TRADE, PROFESSION OR VOCATION	ANY EMPLOYMENT, OFFICE, TRADE, PROFESSION OR VOCATION CARRIED ON FOR PROFIT OR GAIN.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the member’s knowledge) has a place of business or land in the borough of Bolton; and (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 member or his/her Associated Person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

- 2.9 Where you consider that disclosure of the details of a Disclosable Pecuniary Interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer or Deputy 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 a Disclosable Pecuniary Interest, the details of which are withheld under section 32(2) of the Localism Act 2011
- 2.10 If you are present at a meeting of the Board and you have a Disclosable Pecuniary Interest in any matter to be considered or being considered at the meeting:
- (a) you may not participate in any discussion of the matter at the meeting.
 - (b) you may not participate in any vote taken on the matter at the meeting.
 - (c) if the interest is not registered, you must disclose the interest to the meeting.
 - (d) if the interest is not registered and is not the subject matter of a pending notification, you must notify the Monitoring Officer or Deputy Monitoring Officer of the interest within 28 days.
 - (e) You must leave the room where the meeting is held while any discussion or voting takes place.
- 2.11 The Council may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter on which you have a Disclosable Pecuniary Interest.
- 2.12 It is a criminal offence to:
- (a) fail to disclose a Disclosable Pecuniary Interest at a meeting if it is not on the register;
 - (b) fail to notify the Monitoring Officer or Deputy Monitoring Officer within 28 days of a Disclosable Pecuniary Interest that is not on the register that you have disclosed to a meeting;

- (c) participate in any discussion or vote on a matter in which you have a Disclosable Pecuniary Interest;
- (d) knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer or Deputy Monitoring Officer of a Disclosable Pecuniary Interest or in disclosing such interest to a meeting.
- (e) (as at the date of this Code) 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 Member for up to 5 years.

3 Notification of Other Interests

3.1 In addition to Disclosable Pecuniary Interests you must, within 28 days of your appointment to office as a Member notify the Monitoring Officer or Deputy Monitoring Officer in writing of details of your interests within the following categories, for inclusion in the register of interests:

- (a) details of any body of which you are a member or in a position of general control or management (and for the avoidance of doubt such a body is deemed to be a Relevant Person);
- (b) details of any body exercising functions of a public nature, anybody directed to charitable purposes or anybody 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 (and for the avoidance of doubt such a body is deemed to be a Relevant Person); and
- (c) details of any gift or hospitality with an estimated value of at least £25 that you have received in connection with your role as a Member and details of the donor.

3.2 You must, within 28 days of becoming aware of any new interest or change to any interest registered under this paragraph notify the Monitoring Officer or Deputy Monitoring Officer of the details of that new interest or change. Any interests notified to the Monitoring Officer or Deputy Monitoring Officer will be included in the register of interests at their sole discretion on a case-by-case basis. A copy of the register will be available for public inspection.

3.3 Subject to the remaining provisions of this paragraph 3.3 where you have an interest described in paragraph 3 in any business of the Council, and where you are aware or ought reasonably to be aware of the existence of that interest, and you attend a meeting of the Board at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

- (a) You have an interest in any business of the Board where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a member of your family or any person with whom you have a close association.

- (b) Where you have an interest in any business of the Council of the type mentioned in paragraph 3.1 you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (c) Where you have an interest by virtue of this paragraph 3 but, by virtue of paragraph 2.9 it is not registered in the register of members' interests, you must indicate to the meeting that you have an interest, but need not disclose the sensitive information to the meeting.
- (d) Where you have an interest in any business of the Council by virtue of paragraph 3.1, and you have made an executive decision (as defined in section 22 Local Government Act 2000) insofar as it is lawful to make such an executive decision, you must ensure that any written statement of that decision records the existence and nature of that interest.

4 Non participation in case of certain other interests

4.1 Where you have an interest in any business of the Council by virtue of paragraph 2 or 3 and the 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 judgment of the public interest and where that business:

- (a) affects your financial position or the financial position of a Relevant Person through whom the interest arises; or
- (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or a Relevant Person,
- (c) you may only attend or participate in that meeting with the prior leave of the Monitoring Officer or Deputy Monitoring Officer and if such leave is granted subject to conditions and restrictions imposed by the Monitoring Officer or Deputy Monitoring Officer you must so observe and perform them.