

<b>Subject:</b>	Constitution Review		<b>Status:</b>	For Publication	
<b>Report to:</b>	Council		<b>Date:</b>	15 <sup>th</sup> December 2021	
<b>Report of:</b>	Monitoring Officer		<b>Portfolio Holder:</b>	Corporate Services	
<b>Key Decision:</b>	No - reserved for Council	Forward Plan <input type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>	
<b>Equality Impact Assessment:</b>		Required:	No	Attached:	No
<b>Biodiversity Impact Assessment</b>		Required:	No	Attached:	No
<b>Contact Officer:</b>	Clare Birtwistle		<b>Telephone:</b>	01706 252438	
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1.	<b>RECOMMENDATIONS</b>
1.1	To approve the proposed Councillor Code of Conduct as outlined in Appendix 1 and recommend adoption of the said Code to Whitworth Town Council.
1.2	To approve the proposed additional changes and typographical amendments to parts 3, 4 and 5 as outlined in Appendix 2.

## 2. PURPOSE OF REPORT

- 2.1 To consider the proposed Model Councillor Code of Conduct and additional proposed wording changes and approve the same.

## 3. BACKGROUND

### Model Councillor Code of Conduct

- 3.1 The Localism Act 2011 requires the Council to have a code in place which deals with the expected conduct of its councillors with reference to the Seven Principles of Public Life (Nolan Principals). The Council's current Code of Conduct satisfies that requirement and members receive training on the code each year. The Council's current Code of Conduct can be found on the Council's website using the link provided in the background papers section below.
- 3.2 The Local Government Association has recently developed a Model Councillor Code of Conduct which can be used as a template for councils. This model code has been produced in response to recommendations that it do so by the Committee on Standards in Public Life in order to provide a consistent model which councils can choose to adopt, with or without amendments to suit local conditions. Adoption of the model code is not mandatory but it would be seen as good practice.
- 3.3 Whilst the Council's existing Code of Conduct incorporates all the same rules as the model code, there are variations in the layout and wording and greater explanation given towards matters such as leadership and definitions relating to bullying. It also introduces on a more formal level "Non-registrable Interests" which arise where the interest is that of a councillor or their partner, which is not a disclosable pecuniary interest, or **of a relative or close associate**. The LGA has alongside this also developed a specific guidance document which has been designed to assist understanding and consistency of approach towards the code.
- 3.4 The draft Model Councillor Code of Conduct is attached at Appendix 1 but the proposed amends to this code to reflect the local requirements of this council appear as track

changes to that document. The track changes are taken directly from the current code of conduct for ease of drafting and understanding. Another point to note is that the model code of conduct indicates that gifts and hospitality are registrable for values of at least £50. It is proposed however, to retain the value of £25 in the spirit of openness and transparency.

3.5 The LGA will undertake an annual review of their model code to ensure it continues to be fit for purpose and can also offer support, training and mediation to councils and councillors on the application of the Code.

3.6 In the event that members are minded to approve to the model code of conduct as amended, it is suggested that the Monitoring Officer write to Whitworth Town Council following adoption by the Council and recommend adoption of the Rossendale Council Code of Conduct for Councillors.

3.7 **Additional amendments to parts 3, 4 and 7**

In addition to the changes to the Model Councillor Code of Conduct, it is also proposed to make additional changes aimed to make wording clearer and be less likely subject to misinterpretation, as well as to amend any additional typographical errors.

3.12 Appendix 2 contains details of the additional changes proposed in parts 3,4 and 7 and their current page reference numbers.

The Code of Conduct and additional proposed Constitutional amends have been considered by the Governance Working Group who recommend the same for approval by Full Council.

**4. RISK**

4.1 All the issues raised and the recommendations in this report involve risk considerations as set out below:

- Failure to have a robust code of conduct as required by S27(2) of the Localism Act 2011 may result in councillors being unclear as to the conduct that is expected of them when they are acting in that capacity
- Failure to have a fit for purpose code would not protect the democratic role of members, encourage good conduct or safeguard the public's trust in local government.
- Failure to maintain and follow an up-to-date Constitution risks legal proceedings being taken against the Council, and risks members of the community being dissatisfied with the action of the Council.
- Monitoring risks and reviewing systems of controls.
- Failure of officers to keep up to date with changes to the Constitution.

**5. FINANCE**

5.1 There are no immediate financial implications arising from the report.

**6. LEGAL**

6.1 The Council is required to have a Code of Conduct for Councillors under the Localism Act 2011.

6.2 The Council's Monitoring Officer is responsible for monitoring and reviewing the operation of the Council's Constitution to ensure that its aims and principles are given full effect and that the same is kept up to date in terms of legislation and the way the Council does

business.

## 7. POLICY AND EQUALITIES IMPLICATIONS

7.1 The report relates to the Council's Corporate Priority of a connected and successful Rossendale. There are no equalities implications.

## 8. CONCLUSION

8.1 The LGA has produced a model code following the recommendations of the Committee for Standards in public life. The Council must therefore consider the model and it is good practice to adopt the model as amended to meet the council's circumstances. The model does not introduce any areas that are not currently part of the Code of Conduct either explicitly or implicitly. Rather it clarifies the expectations in relation to the conduct of Councillors in carrying out their role.

8.2 The Council is required by law to implement a Constitution and it is in the interests of the Council to regularly review and update the document.

Background Papers	
Document	Place of Inspection
The Constitution of the Council	<a href="https://www.rossendale.gov.uk/downloads/download/10710/constitution">https://www.rossendale.gov.uk/downloads/download/10710/constitution</a>
Current Code of Conduct	<a href="https://www.rossendale.gov.uk/downloads/file/13386/constitution_-_part_5">https://www.rossendale.gov.uk/downloads/file/13386/constitution - _part 5</a>
Appendix 1 – Model Councillor Code of Conduct (as amended)	Attached
Appendix 2 Proposed additional changes	Attached



## **Local Government Association**

### **Model Councillor Code of Conduct 2020**

#### **Joint statement**

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors, we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

## Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

## Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

## Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, 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 councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The Council and the LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

The obligations set out in this Code are also complementary to, and include, those obligations which apply to Members falling within the scope of related Codes and Protocols of the Authority within the Constitution, specifically  
- the Protocol on Member/Officer Relations;  
- the Members' Planning Code of Good Practice; and  
- all policies contained in the Members' induction resource,  
all of which you are deemed to have read.

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### General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles. [See Appendix A](#)

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

### Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- 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 councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are

encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

## **Standards of councillor conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

### **General Conduct**

#### **1. Respect**

##### **As a councillor:**

##### **1.1 I treat other councillors and members of the public with respect.**

##### **1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

#### **2. Bullying, harassment and discrimination**

##### **As a councillor:**

##### **2.1 I do not bully any person.**

##### **2.2 I do not harass any person.**

##### **2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least

two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

### 3. Impartiality of officers of the council

As a councillor:

**3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

**3.2 I must have regard to any relevant advice provided to you by the Council's Chief Finance Officer and Monitoring Officer where such advice is offered pursuant to their statutory duties.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

### 4. Confidentiality and access to information

As a councillor:

**4.1 I do not disclose information:**

- a. given to me in confidence by anyone
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless
  - i. I have received the consent of a person authorised to give it;
  - ii. I am required by law to do so;
  - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
  - iv. the disclosure is:
    1. reasonable and in the public interest; and
    2. made in good faith and in compliance with the reasonable requirements of the local authority; and
    3. I have consulted the Monitoring Officer prior to its release.

**4.2 I do not improperly use knowledge gained solely as a result of my role as a**

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**councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

**4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

**5. Disrepute**

**As a councillor:**

**5.1 I do not bring my role or local authority into disrepute.**

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Council whilst continuing to adhere to other aspects of this Code of Conduct.

**6. Use of position**

**As a councillor:**

**6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

**7. Use of local authority resources and facilities**

**As a councillor:**

**7.1 I do not misuse council resources.**

**7.2 I will, when using the resources of the local authority or authorising their use by others:**

- a. act in accordance with the local authority's requirements; and
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

## 8. Complying with the Code of Conduct

As a Councillor:

**8.1 I undertake Code of Conduct training provided by my local authority.**

8.2 I undertake all mandatory training provided by my local authority and shall not sit on or vote at any meeting of the Council until such training has been completed.

8.3 I do not make trivial or malicious allegations under this Code of Conduct

**8.4 I cooperate with any Code of Conduct investigation and/or determination.**

**8.5 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

**8.6 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

### Protecting your reputation and the reputation of the local authority

## 9. Interests

As a councillor:

**9.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

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You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

**Appendix B sets** out the detailed provisions on registering and disclosing interests. If- in doubt, you should always seek advice from your Monitoring Officer.

## 10. Gifts and hospitality

### As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least ~~£250~~ within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

## **Appendices**

### **Appendix A – The Seven Principles of Public Life**

The principles are:

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **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 disclose and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **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.

#### **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.

#### **Honesty**

Holders of public office should be truthful.

#### **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.

## Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

**"Disclosable Pecuniary Interest"** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

**"Partner"** means a spouse or civil partner, or 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.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

### Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

## Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
  - a. your own financial interest or well-being;
  - b. a financial interest or well-being of a relative or close associate; or
  - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
  - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
  - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by <del>them</del> <del>him</del> <del>her</del> in carrying out <del>their</del> <del>his</del> <del>her</del> duties as a councillor, or towards <del>their</del> <del>his</del> <del>her</del> election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract made between the councillor or <del>their</del> <del>his</del> <del>her</del> spouse or civil-partner or the person with whom the

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	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the Council</p> <p>—</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>
<b>Land and Property</b>	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or <del>their/his/her</del> spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
<b>Licenses</b>	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
<b>Corporate tenancies</b>	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or <del>their/his/her</del> spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
<b>Securities</b>	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the Council; 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 councillor, or <del>their/his/her</del> spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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\* 'director' includes a member of the committee of management of an industrial and provident society.

\* '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.

**Table 2: Other Registrable Interests**

<p>You must register as -an Other Registerable Interest :</p> <ul style="list-style-type: none"> <li>a) any unpaid directorships</li> <li>b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority</li> <li>c) any body <ul style="list-style-type: none"> <li>(i) exercising functions of a public nature</li> <li>(ii) directed to charitable purposes or</li> <li>(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)</li> </ul> </li> </ul> <p style="padding-left: 40px;">of which you are a member or in a position of general control or management</p>
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## Summary of Constitution amendments

Part 3 – page 38

### Within 6. OVERVIEW AND SCRUTINY COMMITTEE

- To scrutinise ~~the~~ Rossendale's contribution to the Pennine Lancashire Community Safety Partnership and to act as the Council's Crime & Disorder Committee

Part 3 – page 62

8. The power to deal with:

~~ea~~) Regulatory licensing matters:

- House to house and street collections
- Licensing of hackney carriage vehicles and drivers
- Licensing of private hire operators, vehicles and drivers
- Second hand goods dealers
- Hypnotism
- Sex Establishments
- Street Trading
- Licensing Matters (Licensing Act 2003)
- Licensing Matters (Gambling Act 2005)

9. The Director of Communities shall be identified as the "Appropriate Officer" under Section 243 of the Housing Act 2004.

### 5.0 Director of Economic Development

5.1 The Director of Economic Development is responsible for Economic Development, Development Control, Forward Planning, Building Control, Strategic Housing, Property Services, tourism, business development and public car parks.

5.2 The Director of Economic Development has power to determine planning applications.

5.3 The Director of ~~Communities~~ Economic Development is responsible for the control of Strategic Housing and Private Sector Housing, including:

Part 3 – pages 66 – 67 (This is duplicated and appears in the previous section)

~~7. The Monitoring Officer~~

~~7.1 The Monitoring Officer shall be authorised to exercise strategic control of Elections, Civic and Ceremonial, Committee Management, Committee and Member Services, and Town Twinning.~~

**87. Head of Finance**

**87.1** The Head of Finance is authorised to discharge all the functions of the Chief Financial Officer (including Sections 114, 115 and 151 of the Local Government Act 1972).

**87.2** The Head of Finance is responsible for the control of the Council's functions in relation to:

- a) financial services
- b) development and agreement of the Medium Term Financial Strategy
- c) development and agreement of the Capital Strategy
- d) in consultation with the appropriate Director and head of service, authority to determine requests for grants, financial assistance including hardship and discretionary charitable relief, discretionary rate relief and support up to £5000
- e) the treasury management function
- f) accountancy
- g) insurance arrangements and risk management
- h) the writing off of debts up to £5000
- i) pensions
- j) creditor payments
- k) collection of sundry debtors
- l) banking arrangements
- m) setting the Council Tax base
- n) contract management of the audit function
- o) procurement

~~7.3.1~~ The Head of Finance, in consultation with the relevant Portfolio Holder, has authority to deal with all assets where the Council's valuer values the asset at less than £100,000.

~~7.43.2~~ The Head of Finance, in consultation with the relevant Portfolio Holder, is responsible for the day to day management of the Council's functions in relation to:

- a) property valuation
- b) authority, in consultation with the relevant Portfolio Holder to deal with all land and property matters where the Council's valuer values the

land and property at less than £100,000 including:-

- acquisition of land and property
  - appropriation of land
  - disposal of land and property – equal to or in excess of valuer's valuation
  - other dealings with land or any interest in land
- c) authority to refuse requests for the purchase or lease of land or property vested in the Council or the grounds that disposal would not be in the interests of the Council.
- d) authority to approve all acquisitions and disposals of land, buildings or other property interests when the Council's valuer values the land, buildings or other property interests at more than £100,000 but less than £250,000 and it is proposed to accept the highest bid and the highest bid matches or exceeds that of the Council's valuer.

Part 4 – page 82

The following motions may be moved without notice:-

- a) to appoint a chair of the meeting at which the motion is moved in the event of absence of both the chair and vice-chair;

Part 4 – page 86

### 16.5 Recorded Vote

If 3 members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot and a recorded vote can be requested at any point prior to the announcement of the outcome of the vote.

Part 4 – page 138

## 2. Exceptions

2.1 The Corporate Management Team in consultation with the relevant Portfolio Holder can allow exceptions to these Contract Procedure Rules regardless of contract value after considering a Scheme of Delegation.

2.2 These Contract Procedure Rules shall not apply if:  
2.2

- i) the head of service, in consultation with the Head of Finance, is satisfied that there is no genuine competition, for example, where:

Part 4 – page 142 - 3

## 7 Procedures for Inviting Tenders

7.14 The following section identify steps that can be undertaken to invite a tender or quote. In all cases these Contract Procedure Rules and all public procurement regulations applicable to local authorities must be followed. Tenders must be sought through, but are not limited to, the following procedures:

## 8 Preparation of Tender Documents

8.14 Tender documentation shall consist of one or more of the following, as appropriate:  
(and subsequent numbering in this section)

Part 4 - page 145

### 11.2 Opening of tenders

11.2.1 Tenders shall be opened in the presence of at least 2 officers from the following:

11.2.1.1 the Committee and Member Services Manager or ~~his or her~~their representative or;

11.2.1.2 the head of service or ~~his or her~~their representative or

iii) 11.2.1.3 the Head of Legal or ~~his or her~~their representative together with the Head of Finance or ~~his or her~~their representative for all contracts above £100,000

11.2.2.1 Tenders shall be numbered by the Committee and Member Services Manager or ~~his or her~~their representative as they are opened.

Amendment of various capitalised words (such as chair, vice-chair, ward, member, outside body, appeals panel, dismissing officer, dismissal hearing) to lower case, in addition to amending references to his/her to their in the following sections:

Part 4 – pages 77 – 87, 93-94, 184-187

Part 7 – page 256