

CLACTON TOWN BOARD

AVOIDING CONFLICTS OF INTEREST AND UPHOLDING THE NOLAN PRINCIPLES

Introduction

This statement has been developed with due regard to the requirements set out in Government Guidance to Town Boards and Accountable Bodies.

The guidance referred to was issued by the Government's Department for Levelling Up, Housing and Communities in December 2023. Within the Government's guidance there is further detail regarding the governance requirements for Town Boards that Town Boards and Accountable Bodies are expected to consider when developing their Long-Term Plan. The guidance identifies that all Town Board members should sign up to a code of conduct based on the Seven Principles of Public Life (the Nolan Principles). The guidance continues that there should be clear processes for managing conflicts of interests (both commercial, actual, and potential) in decision making, which apply to all involved with the work of the Town Board.

The Government's guidance places obligations on the accountable body (in this case Tendring District Council) to provide its guidance to the Board on declarations of interest by Board Members, to provide forms for such declarations and to hold the those forms completed by Board Members. It is then a responsibility of Town Board members declare their interests before the Town Board considers any relevant decisions. The records of gifts or hospitality offered/given to the Town Board or individual members must also be recorded.

The Policy Statement and approach

The Board has been constituted as an integral element of the funding and development of plans and programmes around the Government's Future of Towns Fund. It does not form a part of Tendring District Council. However, the Council is the accountable body and its Assistant Director Finance & IT must declare to Government that the Future of Towns Funds received have been utilised in accordance with the requirements attached to those Funds. Compliance with this policy by Board Members seeks to address relevant elements of those requirements.

Members of the Board bring beneficial views and knowledge from the business, public, voluntary or community interests from which they have been drawn from. The Board seeks to be comprised of a broad membership and, collectively, to act on behalf of residents, commercial and visitor interests in the work of the Town Board.

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 Clacton-on-Sea and, in some cases, in the wider public interest. 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.

The Board, and its Members individually, shall promote (generally and through undertaking its business) the following seven principles of public life (known as the Nolan Principles):

- **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 to gain financial or other material benefits for themselves, their family, or their friends. They must declare 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 and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

These seven principles apply to anyone who works as a public office holder including:

- those elected or appointed to public office, nationally or locally,
- those appointed to work in the civil service, local government, the police, courts and probation services, Non Departmental Public Bodies, and in the health, education, social and care services, and
- those in the private sector delivering public services.

It is the accepted position of the Board that Members of it are bound by the seven principles set out above.

It is the case that in the business of the Board conflicts of interest may arise. By way of examples, there may be work to be commissioned that is considered by the Board and (an employer of) a Board Member may seek to undertake that work. This would be a conflict of interest. In the same way (an employer of) a Board Member may have a building in the area of Clacton-on-Sea and the Board may be considering improvements/enhancements/community safety measures to the area around that building. It would be conflict of interest for the Board Member to be involved in the discussion of those improvements/enhancements/community safety measures.

The following provisions shall apply to all Members of the Board in respect of the business of the Board:

- In the event that there is a conflict of interest, the person so conflicted shall immediately declare the nature of the conflict or potential conflict and withdraw from any business where the conflict would be relevant.

- Whenever a person has an interest in a matter to be discussed at a meeting the person concerned will not be entitled to remain present at the meeting during discussion of that matter.
- The Monitoring Officer of Tendring District Council may, at any time, authorise a person to remain in the meeting of the Board whilst a matter in which they have or may have a conflict of interest is discussed, provided that the conflict of interest is declared and the Monitoring Officer has been given reasonable opportunity to consider the extent of the conflict of interest.

A Register of Interest will be maintained by the Monitoring Officer of Tendring District Council. At a Board meeting, Members must declare any interest so registered 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 Member's judgement then the above conflict of interest rules must be followed.

To assist in the identification of potential conflict of interest positions, the Monitoring Officer of Tendring District Council shall provide a General Declaration of Interests form to each Board Member and this must be completed and returned to the Monitoring Officer of Tendring District Council within 28 days. Members of the Board have a duty to keep their general declared interests up to Date, to declare conflicts of interest at meetings of the Board and to follow this policy.

In addition to declaring conflicts of interest, Board Members must declare to the Monitoring Officer of Tendring District Council 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.

Each Member of the Board shall be required to acknowledge the content of this policy and that their participation in the business of the Board shall be dependent upon compliance with the policy. The Board shall remove from Membership any individual who deliberately or recklessly does not comply with this policy. To assist the Board Members with the requirements of this statement and compliance with it, the Monitoring Officer shall provide such training as the Board requires.

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