

## **HERTFORDSHIRE LOCAL ENTERPRISE PARTNERSHIP**

### **CONFLICT OF INTEREST POLICY**

#### **THE REGISTER OF INTERESTS**

1. The following applies to all LEP Board members and senior members of staff who act in an advisory capacity to the LEP Board and Board sub-groups.
2. Members of the Hertfordshire LEP Board, Board sub-groups and senior members of staff are required to list any direct or indirect pecuniary or non-pecuniary interests or other material benefits which members of the public might reasonably think could lead to a conflict of interest arising in his or her participation in the decisions of the Hertfordshire LEP, or action taken in his or her capacity as a Member of staff, the Hertfordshire LEP Board or sub-boards.
3. All are required to keep that overall purpose in mind when registering their interests. It is left to individual Members and staff to give the required information; each Member or employee is ultimately responsible for his or her own entry.
4. References to "interests" in this policy include actual and/or potential interests.
5. Members/senior employees should also register the interests of their spouse or partner or anyone living in the same household as the member which meet the definition under the [Localism Act 2011](#).

#### **THE DECLARATION OF INTERESTS**

6. In addition to the register of interests, all are required to declare any relevant interest in all aspects of the work undertaken, i.e. during official meetings, outside of the formal decision-making environment and the way in which it relates at the time when they contribute to the discussions, considerations and decisions of the Board or when they communicate with other Members.
7. Members and senior employees are to declare their spouse or civil partner, or a person with whom they are living as a spouse or a person with has the interest having carried out a reasonable level of investigation. Where their spouse or partner has recently been involved in any activity, which would have been declarable should be mentioned, with the date the activity ended.
8. Members of the Board and senior employees are requested to declare any relevant interest and the way in which it relates at the beginning of each

Board meeting which relate the items due to be discussed. These declarations are recorded in the minutes, which will be published on the Hertfordshire LEP website within 10 clear days of the meeting taking place.

## THE CATEGORIES OF DISCLOSABLE INTERESTS

9. Board members/senior employees are to declare their interests in the [Register of Interests template](#). The LEP Chief Executive and Section 151 Officer will countersign each completed template and these will be available to view on the LEP website.<sup>1</sup> The LEP Chief Executive reserves the right to escalate any concerns with the LEP Board, to his own discretion, as and when it is deemed appropriate. The LEP Board will review the matter before making a decision on how to proceed.
10. Interests are registered under six categories, which are represented by the following nonexhaustive headings:
  - ANY EMPLOYMENT, OFFICE, TRADE, PROFESSION OR VOCATION CARRIED ON FOR PROFIT OR GAIN
  - SPONSORSHIP
  - CONTRACTS
  - LAND OR PROPERTY
  - SECURITIES
  - GIFTS AND HOSPITALITY

## OTHER INTERESTS

### Membership of Organisations

11. Members are to declare if they are in a position of general control, a trustee of, or participate in the management of.

## IDENTIFYING CONFLICTS OF INTEREST

12. Conflicts can inhibit open discussions and may result in irrelevant considerations being taken into account or decisions being taken that are not in the best interests of Hertfordshire LEP. Conflicts may arise, for instance, where a Member's personal interests, for instance, as a shareholder in a

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<sup>1</sup> The LEP Chief Executive's Register of Interests Template will be countersigned by the LEP Chair and S151 Officer. The LEP Chief Executive and HCC Chief Executive will countersign the S151's Register of Interests template.

company that is a potential beneficiary of grant funding, conflict with the interests of Hertfordshire LEP.

## **PROCEDURE FOR MANAGING CONFLICTS**

13. When an interest materially affects a member's ability to vote without prejudice, this will be deemed to be non-trivial and a conflict of interest. In such circumstances the Member/employee will withdraw from the meeting while the discussion and vote takes place.
14. Upon the declaration of any conflicts of interest at a meeting of the Board, the non-conflicted Members will:
  - assess the nature of the conflict;
  - assess the risk or threat to Member decision-making;
  - decide whether the conflict is non-trivial (that is, it is material or has the potential to be detrimental to the conduct or decisions taken by the Members); and decide what steps to take to avoid or manage the conflict.
15. The conflicted Member/employee must not take part in the discussion or decision and will not be counted when determining whether the Board meeting is quorate.
16. The non-conflicted Members will consider whether it is necessary to seek the advice of Hertfordshire LEP's legal adviser on whether the conflict is nontrivial and/or on how to manage the conflict declared. If the non-conflicted Members consider that the declared conflict is trivial, they may agree that the conflicted Member/employee may continue to participate in discussions and the decision-making process.
17. If the non-conflicted Members consider that the conflict is non-trivial, the non-conflicted Members will determine what action is appropriate in light of the nature and extent of the conflict. A number of steps can be taken to deal with the conflict, including:
  - excluding the conflicted Member/employee from discussions in relation to the matter to avoid inadvertently influencing the non-conflicted Members;
  - excluding the conflicted Members/employees from decision-making in relation to the matter while the conflict exists;
  - delegating the matter to a sub-committee of non-conflicted Members;
  - seeking independent advice to help with a decision;
  - appointing an alternative, non-conflicted Member;
  - resignation of the conflicted Member/employee where the conflict is acute or pervasive; and /or applying to the court for directions.
18. The Chair of the Board will inform the conflicted Member/employee of the non-conflicted Members' decision. The secretary to the Board will note in the

minutes of the meeting the conflict declared, an outline of the discussion and the actions taken to manage the conflict.

## **CONFIDENTIAL INFORMATION**

19. A Member/senior employee should inform the Chair of the Board if he or she is aware or in possession of information that he or she would normally be required to disclose to their co-Members but is prevented from doing so as a result of a duty of confidentiality to a third party. The Chair of the Board will then decide what action to take under the procedure for managing conflicts set out in this policy.
  
20. If a Member/senior employee is in any doubt over whether to disclose confidential information to his or her Co-Members, they should seek independent legal advice.

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