

## MEMBERS INTERESTS 2012

A Member with a disclosable pecuniary interest in any matter considered at a meeting must disclose the interest to the meeting at which they are present, except where it has been entered on the Register.

A Member with a non pecuniary or pecuniary interest in any business of the Council must disclose the existence and nature of that interest at commencement of consideration or when the interest becomes apparent.

Where sensitive information relating to an interest is not registered in the register, you must indicate that you have an interest, but need not disclose the sensitive information.

Please tick relevant boxes

Notes

	General (not at overview & scrutiny)		Notes
1.	I have a disclosable pecuniary interest.	<input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 below</i>
2.	I have a non-pecuniary interest.	<input type="checkbox"/>	<i>You may speak and vote</i>
3.	I have a pecuniary interest <b>because</b> it affects my financial position or the financial position of a person or body described in 10.1(1)(i) and (ii) <b>and</b> 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 my judgement of the public interest  <b>or</b> it relates to the determining of any approval consent, licence, permission or registration in relation to me or any person or body described in 10.1(1)(i) and (ii) <b>and</b> 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 my judgement of the public interest	<input type="checkbox"/>          <input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>          <i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>
4.	I have a pecuniary interest but it relates to the functions of my Council in respect of:		
(i)	Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease.	<input type="checkbox"/>	<i>You may speak and vote</i>
(ii)	school meals, or school transport and travelling expenses where I am a parent or guardian of a child in full time education, or are a parent governor of a school, and it does not relate particularly to the school which the child attends.	<input type="checkbox"/>	<i>You may speak and vote</i>
(iii)	Statutory sick pay where I am in receipt or entitled to receipt of such pay.	<input type="checkbox"/>	<i>You may speak and vote</i>
(iv)	An allowance, payment or indemnity given to Members	<input type="checkbox"/>	<i>You may speak and vote</i>
(v)	Any ceremonial honour given to Members	<input type="checkbox"/>	<i>You may speak and vote</i>
(vi)	Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/>	<i>You may speak and vote</i>
5.	A Standards Committee dispensation applies.	<input type="checkbox"/>	<i>See the terms of the dispensation</i>
6.	I have a pecuniary interest in the business but I can attend to make representations, answer questions or give evidence as the public are also allowed to attend the meeting for the same purpose	<input type="checkbox"/>	<i>You may speak but must leave the room once you have finished and cannot vote</i>

'disclosable pecuniary interest' (DPI) means an interest of a description specified below which is your interest, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife, or as if you were civil partners and you are aware that that other person has the interest.

### Interest

Employment, office, trade, profession or vocation

Sponsorship

### Prescribed description

Any employment, office, trade, profession or vocation carried on for profit or gain.

Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; 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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest; "director" includes a member of the committee of management of an industrial and provident society;*

*"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income; "M" means a member of a relevant authority;*

*"member" includes a co-opted member; "relevant authority" means the authority of which M is a member;*

*"relevant period" means the period of 12 months ending with the day on which M gives notice to the Monitoring Officer of a DPI; "relevant person" means M or M's spouse or civil partner, a person with whom M is living as husband or wife or a person with whom M is living as if they were civil partners;*

*"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.*

**'non pecuniary interest'** means interests falling within the following descriptions:

- 10.1(1)(i) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) Any body (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) 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;
- (iii) Any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
- 10.2(2) 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 connected person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision.

**'a connected person'** means

- (a) a member of your family or any person with whom you have a close association, or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph 10.1(1)(i) or (ii).

**'body exercising functions of a public nature'** means

Regional and local development agencies, other government agencies, other Councils, public health bodies, council-owned companies exercising public functions, arms length management organisations carrying out housing functions on behalf of your authority, school governing bodies.

A Member with a personal interest who has made an executive decision in relation to that matter must ensure any written statement of that decision records the existence and nature of that interest.

**NB** Section 21(13) of the LGA 2000 overrides any Code provisions to oblige an executive member to attend an overview and scrutiny meeting to answer questions.

## STANDARDS COMMITTEE

**HELD: 14 JUNE 2012**

Start: 4.30pm

Finish: 5.35pm

### PRESENT

Independent Members: J Cailes (Chairman)  
P Hanmer (Vice Chairman)  
S Ibbs  
B Winstanley

Councillors: Mrs U Atherley J Coyle  
R Bailey

Parish Councillors: B Bailey J Citeralla

Officers: Managing Director (People and Places) (Mrs G Rowe)  
Legal and Member Services Manager (Mr M Jones)  
Assistant Member Services Manager (Mrs J Denning)  
Principal Overview and Scrutiny Officer (Mrs C Jackson)

### 1. APOLOGIES AND WELCOME TO NEW MEMBERS

Apologies for absence were submitted on behalf of Councillor J Davis and Parish Councillor D Gallagher and the Committee welcomed new Member Councillor J Coyle and Parish Councillor B Bailey.

### 2. URGENT BUSINESS

There were no items of urgent business.

### 3. DECLARATIONS OF INTEREST

1. Councillor Mrs Atherley declared that in relation to items 7, 8, 9 and 10 associated with the introduction of the new Standards regime as a Member of the Council she would be considering these matters at a special meeting to be held on 19 June 2012.
2. Councillor R Bailey declared that in relation to items 7, 8, 9 and 10 he had agreed the new Standards regime as required by the Localism Act for Lancashire County Council (LCC) as a Member of that Council.

### 4. MINUTES

RESOLVED: That the minutes of the Standards Committee meeting held on 15 December 2011 be received as a correct record and signed by the Chairman.

**5. ANNUAL COUNCIL - MINUTE AND REPORT ON STANDARDS COMMITTEE UNTIL 30 JUNE 2012**

The Managing Director (People and Places) explained the background to the item in relation to the decision of Council to continue the operation of the current Standards Committee until the 30 June 2012 pending the new Standards regime coming into effect from 1 July 2012. She expressed her sincere thanks for the excellent work Chairman John Cales and Vice-Chairman Paul Hanmer had put into the Standards Committee and expressed thanks to them on behalf of the Council for continuing in the role until July 2012.

RESOLVED: That the decision of Council and the comments from the Managing Director (People and Places) be noted.

**6. COMPLAINTS - STATISTICS**

The Committee considered the complaints statistics for 2011/12 as set out at pages 49 to 52 of the Book of Reports. Members were advised that 2 complaints had been received in 2011/12 which had been considered by the Assessment Sub-Committee whose decisions (no action) were and subsequently reviewed by the Review Sub-Committee. One decision was upheld and the other was referred to the Monitoring Officer for other action. The Consideration Sub-Committee met in October 2011 and found no breach in relation to a complaint originally considered through the complaints processes in 2010/11.

It was further reported that one allegation in 2012/13 had recently been received which would be considered on 26 June 2012.

RESOLVED: That the statistics be noted.

**7. LOCALISM ACT 2011 - THE NEW STANDARDS REGIME - DUTY, STANDARDS COMMITTEE AND ARRANGEMENTS**

Consideration was given to the joint report of the Managing Director (People and Places) and the Borough Solicitor which detailed proposals in relation to the introduction of a new Standards regime as required by the Localism Act 2011 (the Act) including establishing a Standards Committee and related arrangements as set out at pages 9 to 22 of the Book of Reports.

RESOLVED: A. That from 1 July 2012 the Council establish a Standards Committee, with an independent Chairman and Vice-Chairman, comprising 4 elected members appointed proportionally, but if the Council agree, by equal representation from both political Groups, and the Leader of the Council be requested to nominate to the Committee only one member who is a member of the Cabinet.

B. That the independent Chairman and Vice Chairman be co-opted to the Committee as non-voting members, in future using the same procedure as adopted to date, but from 1 July 2012 existing Independent Members XX and YY be appointed for a term of 3 years and 2 years as Chairman and Vice Chairman respectively.

- C. That the Parish Councils be invited to nominate a maximum of 3 Parish Councillors to be co-opted as non-voting members of the Committee from 1 July 2012, using the same procedure as adopted to date, and until such appointments are made the terms of office of existing Parish representatives on the Standards Committee namely Parish Councillors Jackie Citarella, Brian Bailey and David Gallagher be extended and the Parish Councils be advised accordingly.
- D. That the “Standards Regime Arrangements” attached as Appendix 1 be approved and the Managing Director (People and Places) work with the Parishes on these new arrangements.
- E. That the updated Functions of the Standards Committee as set out in Article 9, the updated Constitution 4.1 and the updated extract from the Scheme of Delegation to the Managing Director (People and Places) attached as Appendices 2, 3 and 4 respectively be approved.

(Note: Councillors Mrs Atherley, R Bailey and Coyle abstained from voting on the resolutions at this time.)

## **8. CODE OF CONDUCT FOR MEMBERS**

Consideration was given to the joint report of the Managing Director (People and Places) and the Borough Solicitor as contained on pages 23 to 30 of the Book of Reports which detailed proposals in relation to the introduction of a new Code of Conduct for Members as required by the Localism Act 2011 (the Act).

- RESOLVED: A. That the Code of Conduct for Members attached as Appendix 1 be adopted with effect from 1 July 2012 and that the Managing Director (People and Places) be authorised to publicise the Code.
- B. That, as the Disclosable Pecuniary Interests Regulations have been published, the Managing Director (People and Places), after consultation with the Chairman of the Standards Committee and the Leader of the Council add to the Code the provisions which are considered to be appropriate for the registration and disclosure of interests other than Disclosable Pecuniary Interests (DPIs).
  - C. That all Parish Councils in West Lancashire be urged to adopt the Code adopted by the Borough Council with effect from 1 July 2012.

(Note: Councillors Mrs Atherley, R Bailey and Coyle abstained from voting on the resolutions at this time.)

**9. APPOINTMENT OF INDEPENDENT PERSON AND RESERVE INDEPENDENT PERSON**

Consideration was given to the joint report of the Managing Director (People and Places) and the Borough Solicitor which detailed arrangements relating to the appointment of an Independent Person and Reserve Independent Person as required by the Localism Act 2011 (the Act).

- RESOLVED: A. That the actions of the Managing Director (People and Places) in advertising a vacancy for the appointment of an Independent Person and a Reserve Independent Person, short-listing and interviewing candidates be noted and endorsed.
- B. That the Council on 19 June 2012 appoint XXX as the Independent Person and YYY as the Reserve Independent Person with effect from 1 July 2012.
- C. That an allowance of £500 be paid to the Independent Person and £250 to the Reserve Independent Person.

**10. REGISTRATION AND DISCLOSURE OF INTERESTS AND DISPENSATIONS**

Consideration was given to the joint report of the Managing Director (People and Places) and the Borough Solicitor, as contained on pages 35 to 40 of the Book of Reports, that detailed proposals regarding the introduction of provisions relating to the registration and disclosure of interests and granting of dispensations as required by the Localism Act 2011 (the Act).

- RESOLVED: A. That the Managing Director (People and Places) (a) prepare and maintain a new register of members interests to comply with the requirements of the Act and of the Council's Code of Conduct, and ensure that it is available for inspection as required by the Act and that all members are informed of their duty to register interests; and (b) prepare and maintain new registers of members' interests for each Parish Council to comply with the Act and any Code of Conduct adopted by each Parish Council, ensure that it is available for inspection as required by the Act; and arrange to inform and train Parish Clerks on the new registration arrangements.
- B. That the Managing Director (People and Places) prepare a Council Procedure Rule (effective from 1 July 2012) which equates to the current Code of Conduct requirement that a member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which he/she has a Disclosable Pecuniary Interest (DPI), except where he is permitted to remain as a result of the grant of a dispensation.
- C. That the power to grant dispensations be delegated to the Standards Committee.

**11. MINUTES OF THE SUB-COMMITTEES**

The Committee considered the Minutes of the Assessment Sub-Committee meetings held on 19 December 2011 and 10 May 2012 and the Review Sub-Committee meetings held on 6 February and 29 May 2012.

RESOLVED: That the Minutes be noted.

**12. CLOSING REMARKS**

As it was likely to be the final meeting of the Standards Committee under the existing Standards regime the Chairman thanked the Vice-Chairman, the Managing Director (People and Places) and all her staff for their help and assistance during his term of office. Thanks was also given to Councillors, Independent Members and Parish representatives, both past and present for their service to the Committee.

Councillor Mrs Atherley asked that her thanks to the Chairman and Vice-Chairman for their service to the Committee be recorded.

In conclusion the Chairman wished everyone all the best for the future.

.....  
Chairman





**ITEM: 5****Part 5 - Codes and Protocols****WEST LANCASHIRE BOROUGH COUNCIL AND PARISH COUNCILS  
MEMBERS' CODE OF CONDUCT**

1. You are a Member or Co-opted Member and hence you shall have regard to the principles set out in the attached Annex.
- 2.1 You must comply with this Code whenever you act in your capacity as a Member or Co-opted Member.
- 2.2 Where you act as a representative of the Council on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or on any other body, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
- 3.1 You must treat others with respect
- 3.2 You must not do anything which may cause the Council to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006; bully any person; intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or 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 do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.
- 4.1 You must not 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 you have the consent of a person authorised to give it; you are required by law to do so; 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 the disclosure is reasonable and in the public interest; and made in good faith and in compliance with the reasonable requirements of the Council.
- 4.2 You must not prevent another person from gaining access to information to which that person is entitled by law.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.
- 6.1 You 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.

- 6.2 You must act in accordance with all legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures.
- 6.3 You must, when using or authorising the use by others of Council resources (i) act in accordance with the Council's reasonable requirements; (ii) ensure that such resources are not used improperly for political purposes (including party political purposes).
- 6.4 You must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986
- 7.1 When reaching decisions on any matter you must have regard to any relevant advice provided to you by the Council's chief finance officer; or monitoring officer where that officer is acting pursuant to his or her statutory duties.
- 7.2 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.
- 8. Registering and declaring disclosable pecuniary interests**
- 8.1 You must, within 28 days of your election or appointment to office as a member or co-opted member notify the Council's monitoring officer of any disclosable pecuniary interests you have (see paragraph 9 below)
- 8.2 You must, notify the Council's 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.
- 8.3 If a disclosable pecuniary interest, has not been entered onto the Council's register, then the member or co-opted member must disclose the interest to any meeting of the Council at which they are present, where they have a disclosable pecuniary interest and where the matter is not a 'sensitive interest' *described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.*
- 8.4 Following disclosure of a disclosable pecuniary interest not on the Council's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.
- 8.5 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.

*It is a criminal offence to*

*Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election*

*Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register*

*Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting*

*Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest*

*As an executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.*

*Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.*

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 councillor for up to 5 years. Council Procedure Rules require you to leave the room where the meeting is held whilst any discussion or voting takes place.

## 9. Definitions

**Disclosable pecuniary interest (DPI)** means an interest of a description specified below which is your interest, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife, or as if you were civil partners and you are aware that that other person has the interest.

<b>Interest</b>	<b>Prescribed description</b>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

Corporate tenancies	Any tenancy where (to M's knowledge) (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; 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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;*

*“director” includes a member of the committee of management of an industrial and provident society;*

*“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;*

*“M” means a member of a relevant authority;*

*“member” includes a co-opted member;*

*“relevant authority” means the authority of which M is a member;*

*“relevant period” means the period of 12 months ending with the day on which M gives notice to the Monitoring Officer of a DPI;*

*“relevant person” means M or M’s spouse or civil partner, a person with whom M is living as husband or wife or a person with whom M is living as if they were civil partners;*

*“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.*

**Meeting** means any meeting of the Council, the Cabinet, any of the Council’s or Cabinet’s committees, sub-committees, joint committees, joint sub-committees, or area committees.

## 10. Registering and Declaring Interests other than Disclosable Pecuniary Interests (Pecuniary and Non-Pecuniary Interests)

### 10.1 Registering Interests

- (1) You must, within 28 days of your election or appointment to office as a member or co-opted member notify the Monitoring Officer in writing of your non-pecuniary interests where they fall within the following descriptions, for inclusion in the register of interests:

- (i) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
  - (ii) Any body (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) 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;
  - (iii) Any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
- (2) You must, within 28 days of becoming aware of any new interest or change to any interest registered under 10.1(1), notify the Monitoring Officer in writing of the details of that new interest or change.

## 10.2 Declaring interests

- (1) Where you have a non-pecuniary interest described in 10.1(1) above or in 10.2(2) below in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the non-pecuniary interest, and you attend a meeting of the Council at which the business which related to or is likely to affect that non-pecuniary interest 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.
- (2) You have a non-pecuniary interest in any business of your authority 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 connected person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision.
- connected person** means (a) a member of your family or any person with whom you have a close association; or (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or (d) any body of a type described in paragraph 10.1(1)(i) or (ii).
- (3) Where you have a non-pecuniary interest in any business of your authority which relates to or is likely to affect a person described in 10.1(1)(i) or 10.1(1)(ii)(a), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (4) Where you have a non-pecuniary interest but, by virtue of 10.4, sensitive information relating to it is not registered in the Council's register of members' interests, you must indicate to the meeting that you have a non-pecuniary interest, but need not disclose the sensitive information to the meeting.

- (5) Where you have a non-pecuniary interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

### 10.3 Register of interests

Any interests notified to the Monitoring Officer as above will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the Council's website.

### 10.4 Sensitive interests

Where you consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the 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 an interest, the details of which are withheld.

### 10.5 Non participation in case of pecuniary interest

- (1) Where you have a non-pecuniary interest in any business of your authority that interest will become a pecuniary interest where 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 judgement of the public interest and where that business (a) affects your financial position or the financial position of a person or body described in 10.1(1), 10.1(2) or 10.2(2); or (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in 10.1(1), 10.1(2) or 10.2(2).

- (2) Subject to paragraph (3) and (4), where you have a pecuniary interest in any business of your authority (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 and (c) you must disclose the interest to the meeting.

In addition Council Procedure Rules require you to leave the room where the meeting is held while any discussion or voting takes place.

- (3) Where you have a pecuniary interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- (4) Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a pecuniary interest that relates to the functions of your authority in respect of

- (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
  - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
  - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
  - (iv) an allowance, payment or indemnity given to members;
  - (v) any ceremonial honour given to members; and
  - (vi) setting council tax or a precept under the Local Government Finance Act 1992.
- (5) Where, as an executive member, you may discharge a function alone, and you become aware of a pecuniary interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer in writing of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

#### **10.6 Interests arising in relation to overview and scrutiny committees**

In any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where (a) that business relates to a decision made (whether implemented or not) or action taken by the executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken, you may only attend a meeting of the overview and scrutiny committee for the purpose of answering questions or giving evidence relating to the business, and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

#### **11. Gifts and Hospitality**

You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £100 which you have accepted as a member from any person or body other than the authority. The Monitoring Officer will place your notification on a public register of gifts and hospitality. This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.

**ANNEX**

**PRINCIPLES**

**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 contractors, 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.



**Standards Committee**  
**16 July 2012**  
**Item: 6**

**Code of Conduct July 2012**

**Dispensation from standards committee on 16 July 2012 in the following terms to all members and co-opted members of the Borough Council and Parish Councils in West Lancashire (insofar as it is applicable) – disclosable pecuniary interests**

Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a disclosable pecuniary interest that relates to the functions of the council in respect of-

- (i) housing, where you are a tenant of the council authority provided that those functions do not relate particularly to your tenancy or lease;
- (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.