

## 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		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 or 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 disclosable pecuniary interest (Dispensation 16/7/12) or 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.  (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.  (iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay.  (iv) An allowance, payment or indemnity given to Members  (v) Any ceremonial honour given to Members  (vi) Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/>       <input type="checkbox"/>       <input type="checkbox"/>       <input type="checkbox"/>       <input type="checkbox"/>	<i>You may speak and vote</i>       <i>You may speak and vote</i>       <i>You may speak and vote</i>       <i>You may speak and vote</i>       <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: 16 JULY 2012**

Start: 4.30pm

Finish: 4.45pm

### **PRESENT**

Councillors: Grant (Chairman)

Mrs Atherley Kay  
Fillis

In attendance: Mr S Ibbs (Independent Person)

Officers: Managing Director (People and Places) (Mrs G Rowe)  
Borough Solicitor (Mr T Broderick)  
Principal Overview and Scrutiny Officer (Mrs C A Jackson)

### **13. APOLOGIES AND WELCOME**

Apologies for absence were submitted on behalf of Councillor Davis and the Reserve Independent Person (Mr S Garvey).

The Chairman welcomed Members to the first meeting of the newly constituted Standards Committee and a warm welcome was extended to the Independent Person who was in attendance.

### **14. URGENT BUSINESS**

There were no items of urgent business.

### **15. DECLARATIONS OF INTEREST**

There were no declarations of interests.

### **16. MINUTES**

RESOLVED: That the minutes of the Standards Committee meeting held on 14 June 2012 be received as a correct record and signed by the Chairman.

### **17. MEMBERS' CODE OF CONDUCT**

The Committee considered the Members' Code of Conduct (Constitution 16) which took effect from 1 July 2012, as contained on pages 61 to 68 of the Book of Reports.

RESOLVED: That the Members' Code of Conduct effective from 1 July 2012 be noted and endorsed.

**18. DISPENSATIONS – DISCLOSABLE PECUNIARY INTERESTS**

Members considered the granting of a dispensation as set out at page 69 of the Book of Reports, in relation to attending a meeting and voting on a matter where the Member/Co-opted Member of the Borough Council or the Member of a Parish Council in West Lancashire has a disclosable pecuniary interest related to a particular function of the council.

RESOLVED: That dispensation in the following terms be granted to all members and co-opted members of the Borough Council and all members of Parish Councils in West Lancashire (insofar as it is applicable and within the Committee's powers):

“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.”

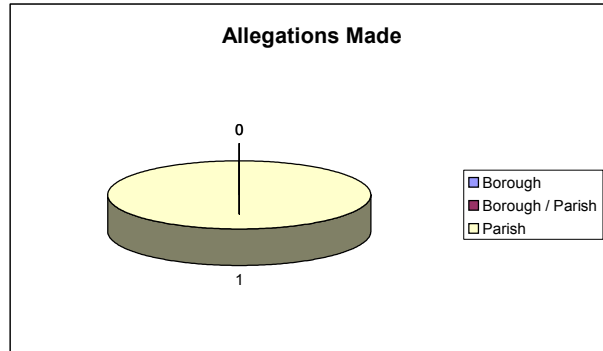
.....  
Chairman

Complaints to the Standards Committee 2012 / 2013

As at 15/11/12

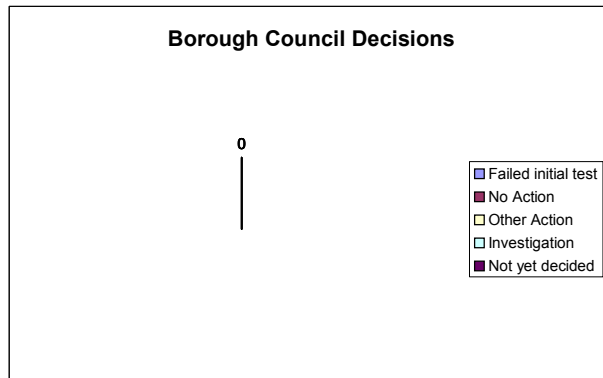
**Allegations made**

Borough	0
Borough / Parish	0
Parish	1
<b>Total</b>	<b>1</b>



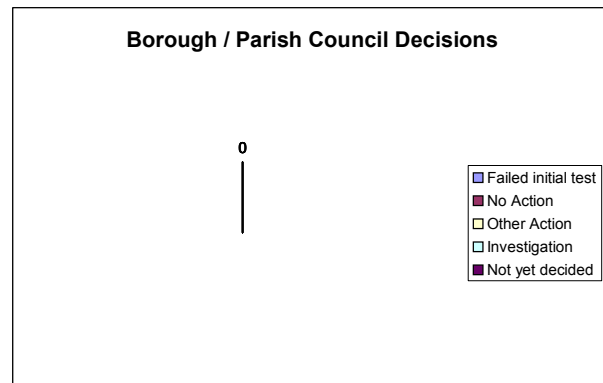
**Borough Council Decisions**

Failed initial test	0
No Action	0
Other Action	0
Investigation	0
Not yet decided	0
<b>Total</b>	<b>0</b>



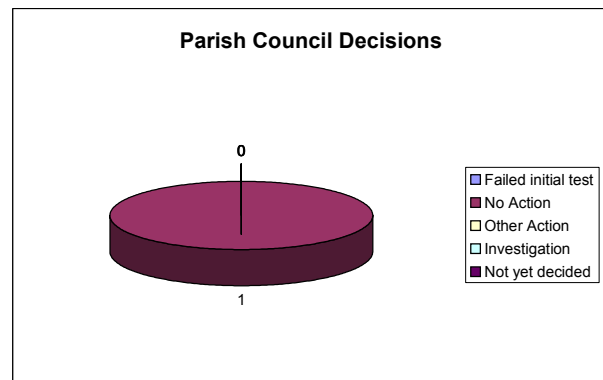
**Borough / Parish Council Decisions**

Failed initial test	0
No Action	0
Other Action	0
Investigation	0
Not yet decided	0
<b>Total</b>	<b>0</b>



**Parish Council Decisions**

Failed initial test	0
No Action	1
Other Action	0
Investigation	0
Not yet decided	0
<b>Total</b>	<b>1</b>







**AGENDA ITEM: 6**

**STANDARDS COMMITTEE  
26 NOVEMBER 2012**

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**Report of: Borough Solicitor**

**Relevant Managing Director: Managing Director (People and Places)**

**Contact for further information: Mrs C A Jackson (Extn. 5016)  
(E-mail: [cathryn.jackson@westlancs.gov.uk](mailto:cathryn.jackson@westlancs.gov.uk))**

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**SUBJECT: GUIDE FOR COUNCILLORS – OPENNESS AND TRANSPARENCY ON  
PERSONAL INTERESTS**

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Wards affected: Borough wide.

**1.0 PURPOSE OF THE REPORT**

1.1 To inform the Standards Committee of the circulation of 'Openness and transparency on personal interests – A guide for councillors', attached as Appendix 1, issued by the Department of Communities and Local Government (DCLG) to all Councillors, Parish Councillors and Parish Clerks.

**2.0 RECOMMENDATIONS**

2.1 That the guide 'Openness and transparency on personal interests', attached at Appendix 1, be noted.

**3.0 BACKGROUND**

3.1 The (Managing Director (People and Places) circulated the guide for Councillors – 'Openness and Transparency on Personal Interests', produced by the DCLG, along with a letter from Bob Neill MP, Parliamentary Under Secretary of State, sent to the Leader of the Council, to all Borough Councils, Parish Councillors and Parish Clerks, on 22 August 2012.

**4.0 THE GUIDE**

4.1 The guide on personal interests gives basic practical information to Councillors about how to be open and transparent about their personal interests. It is

designed to help councillors, including parish councillors, with the new standards arrangements introduced by the Localism Act 2011.

## **5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

5.1 The provision of information to Borough Councillors, Parish Councillors and Parish Clerks assists in promoting high ethical Standards that will in turn contribute to achievement of the Community Strategy.

## **6.0 FINANCIAL AND RESOURCE IMPLICATIONS**

6.1 The costs of circulating information on standards is met from existing budgets.

## **7.0 RISK ASSESSMENT**

7.1 The Guide, attached at Appendix 1, should not be taken as providing any definitive interpretation of the statutory requirements. However, the information will assist in ensuring Members are aware of the requirements placed upon them.

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### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

The decision does not have any direct impact on members of the public, employees, elected members and/or stakeholders. Therefore no Equality Impact Assessment is required.

### **Appendices**

Appendix 1 – ‘Openness and transparency on personal interests – A guide for Councillors’ (produced by DCLG)





Department for  
Communities and  
Local Government

# Openness and transparency on personal interests

**A guide for councillors**

August 2012

# The Guide

This guide on personal interests gives basic practical information about how to be open and transparent about your personal interests. It is designed to help councillors, including parish councillors, now that new standards arrangements have been introduced by the Localism Act 2011<sup>1</sup>.

## Why are there new rules?

Parliament has abolished the Standards Board regime and all the rules under it. It has done this because that centrally-imposed, bureaucratic regime had become a vehicle for petty, malicious and politically-motivated complaints against councillors. Rather than creating a culture of trust and openness between councillors and those they represent, it was damaging, without justification, the public's confidence in local democratic governance.

The new standards arrangements that Parliament has put in place mean that it is largely for councils themselves to decide their own local rules. It is essential that there is confidence that councillors everywhere are putting the public interest first and are not benefiting their own financial affairs from being a councillor. Accordingly, within the new standards arrangements there are national rules about councillors' interests.<sup>2</sup>

Such rules, in one form or another, have existed for decades. The new rules are similar to the rules that were in place prior to the Standards Board regime. Those rules, originating in the Local Government Act 1972 and the Local Government and Housing Act 1989, involved local authority members registering their pecuniary interests in a publicly available register, and disclosing their interests and withdrawing from meetings in certain circumstances. Failure to comply with those rules was in certain circumstances a criminal offence, as is failure to comply in certain circumstances with the new rules.

## Does this affect me?

Yes, if you are an elected, co-opted, or appointed member of:

- a district, unitary, metropolitan, county or London borough council
- a parish or town council
- a fire and rescue authority
- a transport or other joint authority
- a combined authority or an economic prosperity board
- the London Fire and Emergency Planning Authority

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<sup>1</sup> The Guide should not be taken as providing any definitive interpretation of the statutory requirements; those wishing to address such issues should seek their own legal advice.

<sup>2</sup> The national rules are in Chapter 7 of the Localism Act 2011 and in the secondary legislation made under the Act, particularly in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (S.I. 2012/1464).

- the Broads Authority
- a National Park authority
- the Greater London Authority
- the Common Council of the City of London
- the Council of the Isles of Scilly

## How will there be openness and transparency about my personal interests?

The national rules require your council or authority to adopt a code of conduct for its members and to have a register of members' interests.

The national rules require your council's code of conduct to comply with the Seven Principles of Public Life, and to set out how, in conformity with the rules, you will have to disclose and register your pecuniary and your other interests. Within these rules it is for your council to decide what its code of conduct says. An illustrative text for such a code is available on the Department's web site.<sup>3</sup>

Your council's or authority's monitoring officer (or in the case of a parish council the monitoring officer of the district or borough council) must establish and maintain your council's register of members' interests. Within the requirements of the national rules it is for your council or authority to determine what is to be entered in its register of members' interests.

## What personal interests should be entered in my council's or authority's register of members' interests?

Disclosable pecuniary interests, and any other of your personal interests which your council or authority, in particular through its code of conduct, has determined should be registered.

Any other of your personal interests which you have asked the monitoring officer, who is responsible for your council's or authority's register of members' interests, to enter in the register.

## What must I do about registering my personal interests?

Under your council's code of conduct you must act in conformity with the Seven Principles of Public Life. One of these is the principle of honesty - that **'holders of public office have a duty to declare any private interests**

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<sup>3</sup> <http://www.communities.gov.uk/publications/localgovernment/localcodeconduct>

**relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest'<sup>4</sup>.**

Your registration of personal interests should be guided by this duty and you should give the monitoring officer who is responsible for your council's or authority's register of members' interests any information he or she requests in order to keep that register up to date and any other information which you consider should be entered in the register.

All sitting councillors need to register their declarable interests. Any suggestion that you should tell the monitoring officer about your pecuniary interests only in the immediate aftermath of your being elected is wholly incompatible with this duty, with which you must comply.

If you have a disclosable pecuniary interest which is not recorded in the register and which relates to any business that is or will be considered at a meeting where you are present, you must disclose<sup>5</sup> this to the meeting and tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must tell the monitoring officer within 28 days of disclosing the interest. For this purpose a meeting includes any meeting of your council or authority, of its executive or any committee of the executive, and of any committee, sub-committee, joint committee or joint sub-committee of your authority.

If you have a disclosable pecuniary interest which is not shown in the register and relates to any business on which you are acting alone, you must, within 28 days of becoming aware of this, tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must also stop dealing with the matter as soon as you become aware of having a disclosable pecuniary interest relating to the business.

When you are first elected, co-opted, or appointed a member to your council or authority, you must, within 28 days of becoming a member, tell the monitoring officer who is responsible for your council's or authority's register of members' interests about your disclosable pecuniary interests. If you are re-elected, re-co-opted, or reappointed a member, you need to tell the monitoring officer about only those disclosable pecuniary interests that are not already recorded in the register.

## What are pecuniary interests?

A person's pecuniary interests are their business interests (for example their employment, trade, profession, contracts, or any company with which they are

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<sup>4</sup> [http://www.public-standards.gov.uk/Library/Seven\\_principles.doc](http://www.public-standards.gov.uk/Library/Seven_principles.doc)

<sup>5</sup> If the interest is a sensitive interest you should disclose merely the fact that you have such a disclosable pecuniary interest, rather than the interest. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

associated) and wider financial interests they might have (for example trust funds, investments, and assets including land and property).

## Do I have any disclosable pecuniary interests?

You have a disclosable pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest listed in the national rules (see annex). Interests of your spouse or civil partner, following the approach of the rules under the 1972 and 1989 Acts, are included to ensure that the public can have confidence that councillors are putting the public interest first and not benefiting the financial affairs of themselves or their spouse or civil partner from which the councillor would stand to gain. For this purpose your spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

## Does my spouse's or civil partner's name need to appear on the register of interests?

No. For the purposes of the register, an interest of your spouse or civil partner, which is listed in the national rules, is **your** disclosable pecuniary interest. Whilst the detailed format of the register of members' interests is for your council to decide, there is no requirement to differentiate your disclosable pecuniary interests between those which relate to you personally and those that relate to your spouse or civil partner.

## Does my signature need to be published online? Won't this put me at risk of identity theft?

There is no legal requirement for the personal signatures of councillors to be published online.

## Who can see the register of members' interests?

Except for parish councils, a council's or authority's register of members' interests must be available for inspection in the local area, and must be published on the council's or authority's website.

For parish councils, the monitoring officer who is responsible for the council's register of members' interests must arrange for the parish council's register of members' interests to be available for inspection in the district or borough, and must be published on the district or borough council's website.

Where the parish council has its own website, its register of members' interests must also be published on that website.

This is in line with the Government's policies of transparency and accountability, ensuring that the public have ready access to publicly available information.

## Is there any scope for withholding information on the published register?

Copies of the register of members' interests which are available for inspection or published must not include details of a member's sensitive interest, other than stating that the member has an interest the details of which are withheld. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

## When is information about my interests removed from my council's register of members' interests?

If you cease to have an interest, that interest can be removed from the register. If you cease to be a member of the authority, all of your interests can be removed from the register.

## What does having a disclosable pecuniary interest stop me doing?

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your disclosable pecuniary interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

In certain circumstances you can request a dispensation from these prohibitions.

## Where these prohibitions apply, do I also have to leave the room?

Where your council's or authority's standing orders require this, you must leave the room. Even where there are no such standing orders, you must leave the room if you consider your continued presence is incompatible with your council's code of conduct or the Seven Principles of Public Life.

## When and how can I apply for a dispensation?

The rules allow your council or authority in certain circumstances to grant a dispensation to permit a member to take part in the business of the authority even if the member has a disclosable pecuniary interest relating to that business. These circumstances are where the council or authority considers that:

- without the dispensation so great a proportion of the council or authority would be prohibited from participating in that business as to impede the council's or authority's transaction of that business,
- without the dispensation the representation of different political groups dealing with that business would be so upset as to alter the likely outcome of any vote,
- the granting of the dispensation is in the interests of people living in the council's or authority's area,
- without the dispensation each member of the council's executive would be prohibited from participating in the business, or
- it is otherwise appropriate to grant a dispensation.

If you would like your council or authority to grant you a dispensation, you must make a written request to the officer responsible for handling such requests in the case of your council or authority.

## What happens if I don't follow the rules on disclosable pecuniary interests?

It is a criminal offence if, without a reasonable excuse, you fail to tell the monitoring officer about your disclosable pecuniary interests, either for inclusion on the register if you are a newly elected, co-opted or appointed member, or to update the register if you are re-elected or re-appointed, or when you become aware of a disclosable pecuniary interest which is not recorded in the register but which relates to any matter;

- that will be or is being considered at a meeting where you are present, or
- on which you are acting alone.

It is also a criminal offence to knowingly or recklessly provide false or misleading information, or to participate in the business of your authority where that business involves a disclosable pecuniary interest. It is also a

criminal offence to continue working on a matter which can be discharged by a single member and in which you have a disclosable pecuniary interest.

If you are found guilty of such a criminal offence, you can be fined up to £5,000 and disqualified from holding office as a councillor for up to five years.

## Where can I look at the national rules on pecuniary interests?

The national rules about pecuniary interests are set out in Chapter 7 of the Localism Act 2011, which is available on the internet here:

<http://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7/enacted>

and in the secondary legislation made under the Act, in particular The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 which can be found here:

<http://www.legislation.gov.uk/uksi/2012/1464/contents/made>



# Annex

## Description of disclosable pecuniary interests

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your 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. The relevant period is the 12 months ending on the day when you tell the monitoring officer about your disclosable pecuniary interests following your election or re-election, or when you became aware you had a disclosable pecuniary interest relating to a matter on which you were acting alone.
- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -
  - under which goods or services are to be provided or works are to be executed; and
  - which has not been fully discharged.
- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) -
  - the landlord is your council or authority; and
  - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
  - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
  - (b) either -
    - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - 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 you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.



**AGENDA ITEM: 8**

**STANDARDS COMMITTEE:  
26 NOVEMBER 2012**

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**Report of: Borough Solicitor**

**Relevant Managing Director: Managing Director (People and Places)**

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**SUBJECT: ANNUAL MONITORING OF TRAINING REPORT**

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Wards affected: Borough wide

**1.0 PURPOSE OF THE REPORT**

1.1 To consider and evaluate the effectiveness of the training undertaken to date in relation to the Code of Conduct and standards.

**2.0 RECOMMENDATIONS**

2.1 That the training undertaken and the evaluation of it be noted.

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**3.0 BACKGROUND**

3.1 One of the key roles of the Standards Committee is to ensure that Members are properly trained in the requirements of the Code of Conduct. Section 54 of the Local Government Act 2000 says the Committee is responsible for:

- (a) promoting and maintaining high standards of conduct by the Members and co-opted Members of the Authority;
- (b) assisting Members and co-opted Members of the Authority to observe the Authority's Code of Conduct;
- (c) monitoring the operation of the Authority's Code of Conduct;

(d) advising, training or arranging to train Members and co-opted Members of the Authority on matters relating to the Authority's Code of Conduct.

3.2 A report presented to the Committee on 5<sup>th</sup> February 2002 suggested a training programme for the introduction of the Code. It was noted that it was essential that **all** Members receive training (including co-opted Members). A further report was presented on 25<sup>th</sup> June 2003 considering future training requirements and evaluating the training conducted to that date. Annual updates on training have been provided to the Committee since then, with extra training being included when the revised Code of Conduct was introduced in 2007.

3.3 On 1 July 2012 as part of the Localism Act 2011 the system of regulation of standards of conduct for elected and co-opted Councillors changed. At its meeting held on 19 June 2012 the Council adopted a revised Code of Conduct for its Members and was provided on 1 July 2012.

#### **4.0 TRAINING REQUIREMENT**

4.1 There seem to be four main aspects to the new Code where Members require training:-

- Background – the new framework.
- General obligations.
- Registration and disclosure of Disclosable Pecuniary Interests (DPIs) (probably the most complex area), Pecuniary and Non-Pecuniary Interests.
- The need to notify the Monitoring Officer of changes to the Register including notification of gifts and hospitality.

#### **4.2 Background**

4.2.1 This would cover the new framework for receiving complaints, the local code, dealing with sanctions and include the roles of:-

- the Monitoring Officer
- the Independent Person and Reserve Independent Person
- the Standards Committee

#### **4.3 General Obligations**

4.3.1 This would cover:-

- general principles governing conduct (seven principles)
- when the code applies (when acting as a representative of the Council)
- the duty not to disclose
- access to information
- bringing the authority into disrepute
- improperly conferring an advantage or disadvantage
- legal obligations
- use of resources
- publicity
- advice of Statutory Officers

- reasons for decisions

#### **4.4 Declarations of Interest**

4.4.1 Historically, the most difficult area for Members has been to understand when interests need to be declared, and, in particular, to recognise what type of interest is involved.

4.4.2 This will include:-

- when does the duty to disclose arise? How much detail must be given?
- what are disclosable pecuniary interests?
- what is a pecuniary interest?
- what is a non-pecuniary interest?
- when does a non-pecuniary interest become a pecuniary interest?
- when do you have to leave a meeting?
- the different rules for Cabinet and Overview and Scrutiny
- how/when to apply for a dispensation

#### **4.5 The Register of Members' Disclosable Pecuniary Interests (DPIs) and notifiable non-pecuniary interests**

4.5.1 This will cover:-

- what has to be declared to the Monitoring Officer
- when it has to be done
- rights of public inspection, including publication on the Council's web-site.

#### **4.6 Equality Enactments**

4.6.1 Separate training on equalities is organised via Human Resources.

### **5.0 DELIVERY OF TRAINING**

#### **5.1 Code of Conduct**

5.1.1 From the adoption of the first Code of Conduct in 2002 and subsequently in 2007 and 2012, training sessions have been held regularly either by external providers North West Employers', Bevan Brittan and Weightmans Solicitors or in-house.

5.1.2 With the introduction of the revised Code of Conduct in 2007 we moved to the Annual Seminar/Workshop. The first seminar under these arrangements was delivered by Graeme Creer of Weightmans Solicitors on 4 April 2007. These were useful case study sessions with model answers which has continued to be a successful mode of training.

5.1.3 On 2 July 2012 Claire Lefort of Weightmans delivered a training session, held here at the Council Offices in Ormskirk, on the new Code of Conduct and a Training Pack was issued to all Standards Committee Members, Borough Councillors, Parish Clerks and Parish Councillors in West Lancashire comprising

the West Lancashire Borough Council and Parish Councils Members' Code of Conduct and a set of notes and case studies with model answers.

## **5.2 Induction**

5.2.1 New Councillors are introduced to the Code at the Induction Sessions which have been held since 2003 and every year since (except when there is no District/Borough Council election.) Courses entitled 'Ethics and Standards' run by North West Employers' in Manchester to complement this training have also been attended. Induction training also refers to the Planning Protocol (on which specific training is given) and the Protocol on Member/Officer Relations.

## **5.3 Guidance**

5.3.1 Guidance to Members and Parishes on the Code has been issued by the Monitoring Officer at regular intervals. Members are advised by email annually about the need to keep their Register up-to-date, usually following the May elections. An annual letter is also remitted, via email, to Parish Clerks for them to remind their Parish Councillors of their obligations under the Code to keep their Register up-to-date.

## **5.4 Other methods/training**

5.4.1 Standards Committee Members and Officers had the opportunity to attend the Standards Board/Standards for England Annual Conference between 2003 and 2010 until the dissolution of that organisation and have also participated in the Lancashire Standards Conference.

5.4.2 Delivery of training through videos and DVDs, that were available on local assessment investigations and hearings prior to the introduction of the new Code have also been viewed by the Standards Committee and Officers. This has complemented the training sessions for Members and Officers on Assessment of Written Complaints by Weightmans Solicitors held and in-house.

5.4.3 The Independent Person and Reserve Independent Person have attended a workshop for Independent Persons on 'Understanding the new local standards framework' on 23 October 2012.

5.4.4 Members may also attend external training on the Code should they so wish and any other relevant training to assist them in their role.

## **6.0 MONITORING**

6.1 Details are kept of attendance at training sessions, so the Standards Committee are able to monitor the take up of the training.

6.2 The success of the training is assessed each year by a customer satisfaction questionnaire after each training event and can be followed up by asking Members if they need further training on certain aspects, or a general "refresher".

## **7.0 IDENTIFICATION OF TRAINING NEEDS AND TRAINING PLANS**

7.1 Training offered and undertaken by each Councillor is recorded on their individual Training Plan. Members new to the Council are issued with an Identification of Training Needs (ITN) questionnaire, through the induction process, to identify their learning and development needs. This can be followed up with 'one to one' if preferred. The Independent Person and Reserve Independent Person are also included in this exercise.

## **8.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

8.1 The training provided will assist in promoting high ethical Standards which will in turn contribute to achievement of the Community Strategy.

## **9.0 FINANCIAL AND RESOURCE IMPLICATIONS**

9.1 The costs of providing training on standards is met from existing budget provision.

## **10.0 RISK ASSESSMENT**

10.1 Training needs to be provided to comply with statutory obligations and to ensure Members are fully aware of the requirements placed upon them. This will enable them to avoid being in breach of the Code of Conduct with all the adverse consequences which would necessarily flow. Specific training for Standards Committee Members is provided to enable them to carry out their duties effectively.

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### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

### **Appendices**

None.





**STANDARDS COMMITTEE: 26 NOVEMBER 2012**

**Localism Act 2011 c. 20  
Part 1 LOCAL GOVERNMENT  
Chapter 7 STANDARDS**

**33 Dispensations from section 31(4)**

(1) A relevant authority may, on a written request made to the proper officer of the authority by a member or co-opted member of the authority, grant a dispensation relieving the member or co-opted member from either or both of the restrictions in [section 31\(4\)](#) in cases described in the dispensation.

(2) A relevant authority may grant a dispensation under this section only if, after having had regard to all relevant circumstances, the authority—

(a) considers that without the dispensation the number of persons prohibited by [section 31\(4\)](#) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,

(b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,

(c) considers that granting the dispensation is in the interests of persons living in the authority's area,

(d) if it is an authority to which [Part 1A](#) of the [Local Government Act 2000](#) applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by [section 31\(4\)](#) from participating in any particular business to be transacted by the authority's executive, or

(e) considers that it is otherwise appropriate to grant a dispensation.

(3) A dispensation under this section must specify the period for which it has effect, and the period specified may not exceed four years.

(4) [Section 31\(4\)](#) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this section.





### ADOPTION OF CODE OF CONDUCT

<b>Parish Council</b>	<b>West Lancs or Other</b>	<b>Adopted</b>
Aughton – Mrs Irene Roberts	West Lancs	<b>1 July 2012</b>
Bickerstaffe – Mr E Lloyd	West Lancs	<b>12 November 2012</b>
Burscough – Mr K Williams	West Lancs	<b>9 July 2012</b>
Dalton – Mrs E A Broad	West Lancs	<b>3 July 2012</b>
Downholland – Ms J Cavan	West Lancs	<b>12 June 2012</b>
Great Altcar – Mrs C Kenyon	West Lancs	<b>16 July 2012</b>
Halsall – Mr D Bond	West Lancs	<b>27 June 2012</b>
Hesketh with Beconsall – Mr I T Cropper	West Lancs	<b>11 June 2012</b>
Hilldale – Mrs M Atherton	West Lancs	<b>5 July 2012</b>
Lathom – Mrs I O'Donnell	West Lancs	<b>25 June 2012</b>
Lathom South – Mrs E A Broad	West Lancs	<b>18 June 2012</b>
Newburgh – Ms S Jones	West Lancs	<b>25 July 2012</b>
North Meols – Mr R Sears	West Lancs	<b>12 June 2012</b>
Parbold – Mrs E A Broad	West Lancs	<b>6 July 2012</b>
Rufford – Mr J Forshaw	West Lancs	<b>10 Sept 2012</b>
Scarisbrick – Mr T Rimmer	West Lancs	<b>2 July 2012</b>
Simonswood – Sue Smith	West Lancs	<b>5 July 2012</b>
Tarleton – Mr N Leadbetter	West Lancs	<b>11 June 2012</b>
Up Holland – Mr D M Hughes	West Lancs	<b>10 July 2012</b>
Wrightington – Mrs C A Cross	West Lancs	<b>18 June 2012</b>

Dates – adoption of code June 2012 (Revised)



**Standards Committee Work Programme 2012/13**

	<b>Timescale</b>	<b>Comments</b>
1 Lessons to be learned from reported complaints/monitoring of compliance with the Code	As and when required	On going
2 New/Revised Protocols	As and when required	On going
3 Annual Monitoring of Training Report	Autumn 2013	On target
4 Individual Training Needs Survey, Individual Training Plans and Training Records for Independent Person and Reserve Independent Person	Annual	
5 Code of Conduct Seminar for Officers, Borough and Parish Councillors (Press Release to be issued – Details on website)	Summer 2013	
6 Update on Whistleblowing Code	January 2014	
7 Hearings and Investigations	As and when required	On going
8 Consideration of applications for dispensations	As and when required	On going
9 Standards Committee meeting inviting Parish Clerks and Parish Chairman to discuss Code (Press Release to be issued)	January 2014	
10 Standards Committee – Annual Report	Summer 2013	

	<b>Timescale</b>	<b>Comments</b>
11 Press Release to be issued and Para for West Lancs Now and on website explaining how much the Joint Managing Directors and Group Leaders support and encourage high ethical standards	July 2014 and Annually	

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