



Jacqui Sinnott-Lacey  
Chief Operating Officer

52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF

Tuesday, 5 October 2021

**TO: THE MAYOR AND COUNCILLORS**

Dear Councillor,

You are summoned to a meeting of the **COUNCIL** to be held in the **COUNCIL CHAMBER, 52 DERBY STREET, ORMSKIRK L39 2DF** on **WEDNESDAY, 13 OCTOBER 2021** at **7.30 PM** at which your attendance is requested.

Yours faithfully

A handwritten signature in black ink, appearing to be 'JS', written over a faint circular stamp.

Jacqui Sinnott-Lacey  
Chief Operating Officer

**AGENDA**  
**(Open to the Public)**

**PAGE(S)**

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**  
If a member requires advice on Declarations of Interest, he/she is advised to contact the Legal and Democratic Services Manager in advance of the meeting. (For the assistance of members a checklist for use in considering their position on any particular item is included at the end of this agenda sheet.) 321 - 322
3. **MINUTES**  
To receive as a correct record, the minutes of the previous meeting held on Wednesday 21 July 2021. 323 - 332
4. **ANNOUNCEMENTS BY THE MAYOR AND/OR THE CHIEF OPERATING OFFICER**

5. **TO ANSWER ANY QUESTIONS UNDER THE PROVISIONS OF COUNCIL PROCEDURE RULE 10.2**
6. **MINUTES OF COMMITTEES**  
To receive the minutes of the following meetings, to confirm, if appropriate, such of the minutes as require confirmation and to pass such resolutions as the Council may deem necessary:
- a) **Planning Committee - Thursday, 22 July 2021** 333 - 336
- b) **Licensing & Appeals Committee - Tuesday, 27 July 2021** 337 - 338
- c) **Audit & Governance Committee - Wednesday, 28 July 2021** 339 - 342
- d) **Planning Committee - Thursday, 9 September 2021** 343 - 348
- e) **Standards Committee - Tuesday, 21 September 2021** 349 - 352
7. **OVERVIEW & SCRUTINY ANNUAL REPORT 2020/21**  
To consider the report of the Corporate Director of Transformation & Resources. 353 - 370
8. **REVIEW OF THE MEMBERS' CODE OF CONDUCT**  
To consider the report of the Legal and Democratic Services Officer & Monitoring Officer. 371 - 444
9. **APPOINTMENT OF VICE CHAIRMAN OF PLANNING COMMITTEE**  
To consider the report of the Corporate Director Transformation & Resources. 445 - 446
10. **EXCLUSION OF PRESS AND PUBLIC**  
It is recommended that members of the press and public be excluded from the meeting during consideration of the following item(s) of business in accordance with Section 100A(4) of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 3 & 5 (Financial/Business Affairs & Legal Professional Privilege) of Part 1 of Schedule 12A to the Act and as, in all the circumstances of the case the public interest in maintaining the exemption under Schedule 12A outweighs the public interest in disclosing the information.

## **PART 2 - NOT OPEN TO THE PUBLIC**

11. **TAWD VALLEY DEVELOPMENTS LTD - BUSINESS PLAN**  
To consider the report of the Corporate Director of Place & Community. 447 - 460
12. **SKELMERSDALE TOWN CENTRE - FINANCIAL POSITION**  
To consider the report of the Head of Finance, Procurement & Commercial Services. 461 - 474

## PART 3 - OPEN TO THE PUBLIC

### 13. MOTIONS

To consider the following Motions included on the agenda at the request of the Members indicated:

a) **Urgent post-Covid Review of Business Rates - Motion from Cllr Gareth Dowling on behalf of the Labour Group**

"This Council believes that healthy high streets are essential for employment, shopping and leisure but many shops and businesses were struggling even before the Covid pandemic: high street retail employment fell in more than three-quarters of local authorities between 2015 and 2018 according to the Office of National Statistics<sup>1</sup> and more than half of all UK consumers were shopping online before the pandemic<sup>2</sup>.

This Council notes retail is among the sectors most affected by the coronavirus pandemic; the almost complete shutdown of non-essential shops between March and June 2020 and subsequent local and national lockdowns and ongoing restrictions has hit businesses hard, and the need for social distancing has changed the way many businesses operate reducing footfall. The pandemic has accelerated what in many cases has been a longer trend of lower footfall and changing shopping habits: as the Portas Review a decade ago acknowledged, the form and function of many high streets needs to adapt if they are to survive.

This Council welcomes the willingness of Government to acknowledge the problems and come forward with initiatives in response to these challenges such as the furlough scheme, the Covid support business loans, and grants and the High Street Taskforce. However, as the Treasury Select Committee stated in 2019, the current system of Business Rates places an unfair burden on "bricks and mortar" businesses compared to online ones, and the Business Rate system needs radical overhaul<sup>3</sup>.

This Council resolves to write to the Chancellor to encourage him to undertake an urgent review of business rates with a view to further supporting shops and businesses in recovering from the pandemic."

1 <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/articles/highstreetsingreatbritain/ma>

2 <https://www.retail-insight-network.com/features/uk-online-shopping-growth/>

3 [https://publications.parliament.uk/pa/cm201919/cmselect/cmtreasy/222/22203.htm#\\_idTextAnchor00](https://publications.parliament.uk/pa/cm201919/cmselect/cmtreasy/222/22203.htm#_idTextAnchor00)

b) **Planning Reforms - Motion from Councillor Nicola Pryce Roberts on behalf of the Labour Group**

"This Council believes planning works best when developers and the local community work together to shape local areas. The Government's planning proposals seek to bypass local democracy. This council writes to the Government asking them to protect local democracy and the right of communities, through a robust local planning system, to object to individual planning applications."

c) **Toucan Crossing at Lordsgate Lane - Motion from Councillor Cynthia Dereli on behalf of the Labour Group**

"Recognising that a previous administration at this council was responsible for the promotion of the Yew Tree Farm site as a strategic housing site and that as YTF development is well underway the impacts of increased traffic are already being felt including difficulties of crossing the A59 at Lordsgate Lane and the increase in standing traffic along the A59 increasing air pollution.

That the Council writes Lancashire County Council urging them as the Highway Authority to undertake as a priority, the delivery of the Toucan crossing at Lordsgate Lane on the A59 which, as well as providing the important link for WLBC's planned linear park, (ie a footpath/cycleway from Ormskirk through to Burscough town centre) is an urgently needed road safety measure for local residents."

d) **A National Care Support and Independent Living Service (NaCSILS) - Motion from Councillor Julian Finch on behalf of the Labour Group**

"West Lancashire Borough Council writes to the Government calling them to establish a new National Care, Support and Independent Living Service (NaCSILS) which is:

1. A National Care Support and Independent Living Service (NaCSILS)  
The Government shall have responsibility for and duty to provide a National Care and Supported Living Service to provide care, independent and supported living, adopting into English Law Articles from the UN Convention on rights of disabled people that establish choice and control, dignity and respect, at the heart of person-centred planning.
2. Fully funded through government investment and progressive taxation, free at the point of need and fully available to everyone living in this country.
3. Publicly provided and publicly accountable:  
The NaCSILS will have overall responsibility for publicly provided residential homes and service providers and, where appropriate, for the supervision of not-for-profit organisations and user-led cooperatives funded through grants allocated by the NaCSILS. A long-term strategy would place an emphasis on deinstitutionalisation and community-based independent and supported living. All provision will deliver to NaCSILS national standards. There will be no place for profiteering and the market in social care will be brought to an end.
4. Mandated nationally, locally delivered:  
The Government will be responsible for developing within the principles of co-production, a nationally mandated set of services that will be democratically run, designed, and delivered locally. Local partnerships would be led by stakeholders who are

delivering, monitoring, referring to or receiving supported services or budgets, e.g. organisations representing disabled people (DPOs), older people, and people who use mental health and other services, in partnership with local authorities and the NHS.

5. Identify and address needs of informal carers, family and friends providing personal support:  
The NaCSILS will ensure a comprehensive level of support freeing up family members from personal and/or social support tasks so that the needs of those offering informal support, e.g. family and friends, are acknowledged in ways which value each person's lifestyles, interests, and contributions.
6. National NaCSILS employee strategy fit for purpose:  
The NaCSILS standards for independent and supported living will be underpinned by care and support staff or personal assistants who have appropriate training, qualifications, career structure, pay and conditions to reflect the skills required to provide support services worthy of a decent society.
7. Support the formation of a taskforce on independent and supported living with a meaningful influence, led by those who require independent living support, from all demographic backgrounds and regions. This would also make recommendations to address wider changes in public policy."

e) **In support of West Lancashire Pride - Motion from Councillor Adam Yates on behalf of the Labour Group**

"This council, like all public sector bodies, has a duty under the requirements of the Equality Act 2010 to "consider all individuals when carrying out their day-to-day work – in shaping policy, delivering services and in relation to their own employees."

We have a duty to promote and protect the rights of those in our communities and we have an obligation to "eliminate discrimination" and "advance equality of opportunity."

The recent establishment of a West Lancashire Pride Group makes this a particularly significant time to show our support for our local LGBTQIA+ community, and to stand up to the vile and unwarranted homophobic and discriminatory attacks that unfortunately still occur in our society.

This council resolves to:

- 1) Purchase and fly a Pride flag over the council offices during 'Pride Month' in June of each year.
- 2) Ensure details of how to report hate crimes are promoted on the council website and social media channels.
- 3) Promote and support National Hate Crime Awareness Week,

which runs during October each year, via the council website and social media channels, and in its work with relevant partner agencies such as Lancashire Constabulary, Lancashire County Council, and others.

- 4) Allow West Lancashire Pride Group in line with other community groups the free use of council premises for meetings in order to help the group establish itself and promote its work on inclusiveness."

f) **Appointment of Youth Champion - Motion from Councillor Ian Moran on behalf of the Labour Group**

As local leaders who know their communities well, Councillors are ideally placed to understand the services and support needed and wanted for young people in the Borough.

Councils may not be in a position to directly deliver or commission all youth provision but their ability to influence and support such provision is invaluable.

Consultation with young people and our partners is key and the Council recognises that we need the involvement and participation of children and young people in decisions that affect them or in matters which may have an impact on their lives.

The Council recognises the excellent work being undertaken by the Education Authority Youth Service, particularly their work with the Youth Councils in this area. The Youth Service sees the participation of young people as a key priority and their aim is to focus on the active participation of young people "*... to support the development of a credible, democratic and accountable voice for young people.*"

In support of this aim the Council has entered into a formal Partnership with the local Youth Councils and, among other things, this Partnership:

- Recognises the local Youth Councils as a representative voice for young people in the West Lancashire Borough Council area.
- Commits the Council to include young people in Council consultations with regard to local services provision and Community Planning.
- Provides opportunities for the Youth Council to pro-actively engage and participate in activities with the Mayor and Councillors.

In support of this excellent work, Councillor Carl Coughlan be appointed as the Council's Youth Champion to:

- "Assist the Leader and relevant Portfolio Holder to examine how all local provision (not just youth services) supports young people, identifying the outcomes that matter most to young

- people and working with partners to find ways to deliver these.
- Encourage Younger People to play a fuller role in shaping the policies of the Council and in designing its services.
- Consult with young people and our partners, including the local voluntary and community sector, faith groups, schools and employers, to involve children and young people in decisions that affect them or in matters which may have an impact on their lives.
- Act as spokesperson to promote the positive aspects of the Council's formal Partnership with the local Youth Service.
- Work to promote positive images of Younger People as citizens."

**g) Reduction in Carbon Emissions - Motion from Councillor Adrian Owens on behalf of the Our West Lancs Group**

"Recognising that the Council:

- a. Has declared a climate emergency;
- b. Has significant housing stock in need of improvements to their energy performance and;
- c. Has estates in Skelmersdale New Town requiring remodelling and regeneration

Council instructs council officers to develop costed options to also include estimates for reduction in carbon emissions for formal consideration at budget setting in February 2022 for:

- a) a retrofitting programme of energy efficiency on council housing stock and;
- b) an identified location for a third Revival project to follow the successes at Firbeck and Beechtrees"

**We can provide this document, upon request, on audiotape, in large print, in Braille and in other languages.**

**FIRE EVACUATION PROCEDURE: Please see attached sheet.**

**MOBILE PHONES: These should be switched off or to 'silent' at all meetings.**

For further information, please contact:-  
Jacky Denning on 01695 585384  
Or email [jacky.denning@westlancs.gov.uk](mailto:jacky.denning@westlancs.gov.uk)

**FIRE EVACUATION PROCEDURE FOR:  
COUNCIL MEETINGS WHERE OFFICERS ARE PRESENT  
(52 DERBY STREET, ORMSKIRK)**

**PERSON IN CHARGE:** Most Senior Officer Present  
**ZONE WARDEN:** Member Services Officer / Lawyer  
**DOOR WARDEN(S)** Usher / Caretaker

**IF YOU DISCOVER A FIRE**

1. Operate the nearest **FIRE CALL POINT** by breaking the glass.
2. Attack the fire with the extinguishers provided only if you have been trained and it is safe to do so. **Do not** take risks.

**ON HEARING THE FIRE ALARM**

1. Leave the building via the **NEAREST SAFE EXIT**. **Do not stop** to collect personal belongings.
2. Proceed to the **ASSEMBLY POINT** on the car park and report your presence to the **PERSON IN CHARGE**.
3. **Do NOT** return to the premises until authorised to do so by the **PERSON IN CHARGE**.

**NOTES:**

Officers are required to direct all visitors regarding these procedures i.e. exit routes and place of assembly.

The only persons not required to report to the Assembly Point are the Door Wardens.

**CHECKLIST FOR PERSON IN CHARGE**

1. Advise other interested parties present that you are the person in charge in the event of an evacuation.
2. Make yourself familiar with the location of the fire escape routes and inform any interested parties of the escape routes.
3. Make yourself familiar with the location of the assembly point and inform any interested parties of that location.
4. Make yourself familiar with the location of the fire alarm and detection control panel.
5. Ensure that the zone warden and door wardens are aware of their roles and responsibilities.
6. Arrange for a register of attendance to be completed (if considered appropriate / practicable).

**IN THE EVENT OF A FIRE, OR THE FIRE ALARM BEING SOUNDED**

1. Ensure that the room in which the meeting is being held is cleared of all persons.
2. Evacuate via the nearest safe Fire Exit and proceed to the **ASSEMBLY POINT** in the car park.
3. Delegate a person at the **ASSEMBLY POINT** who will proceed to **HOME CARE LINK** in order to ensure that a back-up call is made to the **FIRE BRIGADE**.
4. Delegate another person to ensure that **DOOR WARDENS** have been posted outside the relevant Fire Exit Doors.



5. Ensure that the **ZONE WARDEN** has reported to you on the results of his checks, **i.e.** that the rooms in use have been cleared of all persons.
6. If an Attendance Register has been taken, take a **ROLL CALL**.
7. Report the results of these checks to the Fire and Rescue Service on arrival and inform them of the location of the **FIRE ALARM CONTROL PANEL**.
8. Authorise return to the building only when it is cleared to do so by the **FIRE AND RESCUE SERVICE OFFICER IN CHARGE**. Inform the **DOOR WARDENS** to allow re-entry to the building.

**NOTE:**

The Fire Alarm system will automatically call the Fire Brigade. The purpose of the 999 back-up call is to meet a requirement of the Fire Precautions Act to supplement the automatic call.

**CHECKLIST FOR ZONE WARDEN**

1. Carry out a physical check of the rooms being used for the meeting, including adjacent toilets, kitchen.
2. Ensure that **ALL PERSONS**, both officers and members of the public are made aware of the **FIRE ALERT**.
3. Ensure that **ALL PERSONS** evacuate **IMMEDIATELY**, in accordance with the **FIRE EVACUATION PROCEDURE**.
4. Proceed to the **ASSEMBLY POINT** and report to the **PERSON IN CHARGE** that the rooms within your control have been cleared.
5. Assist the **PERSON IN CHARGE** to discharge their duties.

It is desirable that the **ZONE WARDEN** should be an **OFFICER** who is normally based in this building and is familiar with the layout of the rooms to be checked.

**INSTRUCTIONS FOR DOOR WARDENS**

1. Stand outside the **FIRE EXIT DOOR(S)**
2. Keep the **FIRE EXIT DOOR SHUT**.
3. Ensure that **NO PERSON**, whether staff or public enters the building until **YOU** are told by the **PERSON IN CHARGE** that it is safe to do so.
4. If anyone attempts to enter the premises, report this to the **PERSON IN CHARGE**.
5. Do not leave the door **UNATTENDED**.



# Agenda Item 2

## 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

	<b>General</b>		
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 connected person or, a 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 a connected person or, a 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 20/09/16) 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"/>          <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>          <i>You may speak and vote</i>
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 15/09/20 – 14/09/24)	<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.

# Agenda Item 3

## COUNCIL

**HELD: Wednesday, 21 July 2021**

Start: 7.30 pm

Finish: 8.50 pm

## PRESENT:

### Councillors:

G Johnson (Mayor)	
Mrs M Westley (Deputy Mayor)	
T Aldridge	Mrs P Baybutt
Mrs M Blake	T Blane
A Blundell	R Cooper
C Coughlan	V Cummins
I Davis	C Dereli
T Devine	G Dowling
Eccles	D Evans
S Evans	Fennell
J Finch	S Gregson
N Furey	Y Gagen
J Gordon	Jukes
Mrs J Marshall	J Mee
K Mitchell	J Monaghan
I Moran	M Nixon
P O`Neill	D O`Toole
G Owen	A Owens
E Pope	I Rigby
N Pryce-Roberts	Mrs D Stephenson
A Sutton	J Thompson
Turpin	Upjohn
D West	D Westley
D Whittington	J Wilkie
K Wilkie	J Witter
A Yates	

### Officers:

Jacqui Sinnott-Lacey, Chief Operating Officer  
Chris Twomey, Corporate Director of Transformation & Resources  
James Pierce, Head of Finance, Procurement and Commercial Services  
Kay Lovelady, Legal & Democratic Services Manager  
Mike Kostrzewski, Finance and Audit Manager  
James Crowley, Leisure Project Development Manager  
Jacky Denning, Democratic Services Manager  
Thomas Lynan, Electoral Services Manager  
Claire Kelly, Principal Solicitor

## 10 PRAYERS

The Mayor's Chaplain for the evening, Deacon Des Bill, led Members and officers in prayer.

## 11 APOLOGIES

Apologies for absence were received on behalf of Councillors Clandon, Delaney,

Hirrell and Lockie.

**12 DECLARATIONS OF INTEREST**

The following declarations were received:

1. Councillors Mrs Blake, Blane, Dereli, Gordon, Mrs Marshall, Mee, Moran, Owen, Pope, Sutton, Whittington and Witter declared a non-pecuniary interest in relation to item 10 Capital Programme Out-Turn 2020-21 and item 12 'Council Plan Annual Report 2020/21' in view of their membership of a Parish Council.
2. Councillors Aldridge, Pope and D Westley declared a non pecuniary interest in relation to item 10 Capital Programme Out-Turn 2020-2 and 12 'Council Plan Annual Report 2020/21' and Item 18a 'Derby Street Bridge – Motion', as Members of Lancashire County Council, as did Councillors Coughlan, Cummins and Gagen as an employee of Lancashire County Council.
3. Councillors Devine, Owen, Nixon, West and J Wilkie (Tenant of a Council flat/house) Coughlan and Gregson (Tenants of a Council garage) declared disclosable pecuniary interests in relation to item 11 'Housing Account – Revenue and Capital Outturn' for the reasons indicated but were entitled to speak and vote by virtue of an exemption (nothing in these reports relates particularly to their respective interests arising from the tenancy or lease).
4. Councillors Aldridge, Blane, Cooper, Gregson, Mee, Nixon, Sutton and K Wilkie declared non-pecuniary interests in relation to item 11 'Housing Account – Revenue and Capital Outturn' as they have a connected person who is a tenant of rented Council accommodation. Insofar as that interest becomes a pecuniary interest (as it would affect the financial position of their relative and a member of the public with knowledge of the relevant facts would reasonably regard this as so significant that it is likely to prejudice their judgement of the public interest) they declared that interest but considered that they were entitled to speak and vote by virtue of an exemption as nothing in these reports relates particularly to the relevant tenancy or lease.
5. Councillor Coughlan declared a pecuniary interest in relation to Agenda Item 17. 'Leisure Facilities – Public Consultation' in respect of his appointment to West Lancashire Community Leisure.

**13 MINUTES**

The minutes of the meeting of Council held on 14 April 2021 and the Annual meeting held on 19 May 2021, were received as a correct record and signed by the Mayor.

**14 ANNOUNCEMENTS BY THE MAYOR AND/OR THE CHIEF OPERATING OFFICER**

The Mayor announced that:

- The Civic Service would be held on Sunday 3 October 2021 at St Anne's RC Church, Ormskirk; and
- The Mayor's Charity dinner/ball was provisionally booked for Friday 22 April at Hurston Hall Golf & Spa Resort.

15 **TO ANSWER ANY QUESTIONS UNDER THE PROVISIONS OF COUNCIL PROCEDURE RULE 10.2**

There were no items under this heading.

16 **MINUTES OF COMMITTEES**

Consideration was given to the minutes of the undermentioned meetings of the Committees shown.

RESOLVED That the minutes of the undermentioned meetings and any recommendations contained in them, be approved:

- A. Standards Committee – Tuesday 16 March 2021
- B. Strategic Asset Purchasing Committee – Tuesday 6 April 2021
- C. Planning Committee – Thursday 22 April, 20 May and 17 June 2021
- D. Audit & Governance Committee – Thursday 25 May 2021
- E. Licensing & Appeals Committee – Tuesday 1 June 2021
- F. Licensing & Gambling Committee – Tuesday 1 June 2021

17 **MEDIUM TERM FINANCIAL FORECAST 2021/22 TO 2023/24**

Consideration was given to the report of the Head of Finance, Procurement & Commercial Services, as contained on pages 87 to 110 of the Book of Reports, which presented the updated Medium-Term Financial Forecast and savings proposals, savings proposals, to close the budget gap for 21/22 and 22/23 and advised on the latest Council reserves position.

A Motion to approve the recommendations in the report at paragraph 2 was moved and seconded.

An Amendment circulated prior to meeting was accepted by the mover, the seconder and with the agreement of the meeting.

During consideration of the report, the Head of Finance, Procurement and Commercial Services gave an undertaking to bring a report back to Council on the financial position in relation to the Skelmersdale Town Centre project.

A vote as taken on the Motion, as amended, which was CARRIED.

- RESOLVED: A. That the revised Medium-Term Financial Forecast (GRA) shown in Appendix A to the report, be noted.
- B. That the savings proposals in Appendix B to the report, be approved.
- C. That the reserves position be noted.

**18 GRA REVENUE OUTTURN POSITION 2020-21**

Consideration was given to the report of the Head of Finance, Procurement & Commercial Services, as contained on pages 111 to 118 of the Book of Reports, which provided a summary of the revenue outturn position on the General Revenue Account (GRA) for the 2020/21 financial year, noting movements in the Council's reserves and balances and sought agreement to the transfer of the underspend, the setting up of a COVID fund in reserves and the transfer of the business rates s31 grant.

RESOLVED: That the revenue outturn position be noted and that the proposed transfers to reserves be approved.

**19 CAPITAL PROGRAMME OUT-TURN 2020-21**

Consideration was given to the report of the Head of Finance, Procurement & Commercial Services, as contained on pages 119 to 130 of the Book of Reports, which provided a summary of the capital outturn position on the General Revenue Account (GRA) for the 2020/21 financial year.

- RESOLVED: A. That the Capital outturn position be noted, and the proposed Capital allocation, as set out in Appendix 1 to the report, be approved.
- B. That the Capital Re-profiling and significant variances in Appendix 2 to the report, be noted and approved.

**20 HOUSING ACCOUNT - REVENUE AND CAPITAL OUTTURN**

Consideration was given to the report of the Head of Finance, Procurement & Commercial Services, as contained on pages 131 to 138 of the Book of Reports, which provided a summary of the Housing Revenue Account (HRA) revenue and capital outturn positions for the 2020/21 financial year.

- RESOLVED: A. That the draft financial outturn position of the 2020/21 HRA and Capital Investment Programme be noted and that the budget allocations set out in paragraphs 4.3; 4.5 and 5.3 of the report, be approved.
- B. That the expenditure highlighted in paragraphs 5.4 and 5.5 of the report, be noted.



- C. That the switching of funding from HRA borrowing to HRA revenue contributions, as detailed in paragraph 5.6 of the report, be noted.

**21 COUNCIL PLAN ANNUAL REPORT 2020/21**

Consideration was given to the report of the Corporate Director of Transformation & Resources, as contained on pages 139 to 156 of the Book of Reports, which presented the Council Plan Annual Report 2020/21.

A Motion to approve the recommendations at paragraph 2 was moved and seconded.

At the request of a Member voting on the Motion was recorded as follows:

**FOR:** Councillors: Aldridge, Cooper, Coughlan, Cummins, Davis, Dereli, Devine, Dowling, D Evans, S Evans, Fennell, Finch, Furey, Gagen, Gregson, Johnson, Mitchell, Monaghan, Moran, Nixon, O'Neill, Owen, Owens, Pryce-Roberts, Rigby, Thompson, Upjohn, West, J Wilkie, K Wilkie and Yates (THIRTY ONE)

**AGAINST:** Councillors Mrs Baybutt, Mrs Blake, Blane, Blundell, Eccles, Gordon, Jukes, Mrs Marshall, Mee, O'Toole, Pope, Mrs Stephenson, Sutton, Turpin, D Westley, Mrs Westley, Whittington and Witter (EIGHTEEN)

The Motion was CARRIED.

- RESOLVED:**
- A. That the Council Plan Annual Report 2020/21 (Appendix 1) be approved.
  - B. That authority is given to the Corporate Director of Transformation and Resources in consultation with the relevant Portfolio Holder to make any minor final amendments to the document prior to publication.

**22 TREASURY MANAGEMENT AND PRUDENTIAL INDICATOR PERFORMANCE**

Consideration was given to the report of the Head of Finance, Procurement & Commercial Services, as contained on pages 157 to 164 of the Book of Reports, which detailed the Treasury Management performance and Prudential Indicators for the year ended 31 March 2021.

**RESOLVED:** That the performance for the 2020-21 financial year be noted.

**23 ELECTORAL BOUNDARY REVIEW - OFFICER SUBMISSION**

Consideration was given to the report of the Chief Operating Officer, as contained on pages 165 to 232 of the Book of Reports, which provided details of the current phase of the Electoral Review of West Lancashire and advised that a Ward

Boundary Officer Proposal would be submitted to the Boundary Commission.

**RESOLVED:** That the Ward Boundary Officer Proposals, attached at Appendix A-C to the Report, be noted.

**24 APPOINTMENT OF VICE CHAIRMAN - PLANNING COMMITTEE**

Consideration was given to the report of the Corporate Director of Transformation & Resources, as contained on pages 233 to 234 of the Book of Reports, which sought to appoint the Vice Chairman of Planning Committee.

A nomination to appoint Councillor Gaynar Owen as Vice Chairman of the Planning Committee was moved and seconded.

There were no further nominations.

**RESOLVED:** That Councillor Gaynar Owen, a Member of the Planning Committee, be appointed Vice Chairman for the remainder of the 2021/22 Municipal Year.

**25 EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED:** That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2 & 3 of Part 1 of Schedule 12A of that Act and as, in all the circumstances of the case, the public interest in maintaining the exemption under Schedule 12A outweighs the public interest in disclosing the information.

**26 LEISURE FACILITIES – PUBLIC CONSULTATION**

Consideration was given to the report of the Corporate Director of Place & Community, as contained on pages 235 to 300 of the Book of Reports, which provided details of a proposed public consultation in relation to the current and future leisure facilities at Beacon Country Park and to sought permission to proceed with the proposed approach.

Members were advised that the decision of Cabinet held on 20 July 2021 had been circulated.

**RESOLVED:** That the proposed approach to Consultation and the Options appraisal as set out in Section 7.0 of the report be approved.

(Note: During consideration of this item Councillor Coughlan left the room.)

Members of the public, the press and Councillor Coughlan were invited back into the meeting.

**27 MOTIONS**

The following Motions were considered at the request of the Members indicated:

**28 DERBY STREET BRIDGE - MOTION FROM COUNCILLOR JANE THOMPSON**

The following Motion was moved and seconded:

"This Council notes that Lancashire County Council plan to start works on the Derby Street Bridge in November 2021 which will permanently reduce traffic approaching the bridge on derby Street to one lane.

Council further notes with concern that no pilot scheme has been carried out to trial one lane operation on the approach to the bridge and its impact on traffic congestion; the county council relying on computer modelling as evidence for this permanent and irreversible change.

Council instructs the Chief Operating Officer to write to the Chief Executive of Lancashire County Council to ask that the County Council carry out a suitable pilot of one lane operation on the approach to Derby Street bridge during school term time to measure the actual rather than modelled impact of this change and thereafter to consider the results of this pilot before taking a final decision on the Derby Street bridge project."

An Amendment to include the following words was accepted by the mover, the seconder and with the agreement of the meeting:

"That Lancashire County Council be asked to provide a full explanation as to why no restorative work has taken place to Derby Street bridge since 2017, and also what state the bridge is in now.

A vote was taken, the Motion as amended was CARRIED.

- RESOLVED:
- A. That this Council notes that Lancashire County Council plan to start works on the Derby Street Bridge in November 2021 which will permanently reduce traffic approaching the bridge on Derby Street to one lane.
  - B. That Council further notes with concern that no pilot scheme has been carried out to trial one lane operation on the approach to the bridge and its impact on traffic congestion; the County Council relying on computer modelling as evidence for this permanent and irreversible change.
  - C. That Council instructs the Chief Operating Officer to write to the Chief Executive of Lancashire County Council to:
    - (i) ask that the County Council carry out a suitable pilot of one lane operation on the approach to Derby Street bridge during school term time to measure the actual

rather than modelled impact of this change and thereafter to consider the results of this pilot before taking a final decision on the Derby Street bridge project.

- (ii) provide a full explanation as to why no restorative work has taken place to Derby Street bridge since 2017, and also what state the bridge is in now.

29 **GOVERNANCE ARRANGEMENTS - MOTION FROM COUNCILLOR ADRIAN OWENS**

This Motion was withdrawn.

30 **WINDING DOWN TAWD VALE DEVELOPMENT COMPANY - MOTION FROM COUNCILLOR DAVID WESTLEY**

This Motion was withdrawn.

31 **ABANDONED SHOPPING TROLLEYS - MOTION FROM COUNCILLOR JAMES UPJOHN**

The following Motion was moved and seconded:

"With more people out in our public spaces, Cloughs & Valley's the true scale of the number of abandoned shopping trolleys is becoming ever more apparent. We should be free to enjoy our green spaces without seeing so many abandoned trolleys which in turn attract other types of litter & fly-tipping.

Crawley, Reading, Swindon & Basildon councils are just a few of the councils that have introduced fines ranging from £50-£100.

That this Council:

- A. Formally adopts the powers to remove abandoned trolleys with effect from 1 November 2021.
- B. Announces in at least 1 local newspaper that West Lancashire Borough Council will now be removing abandoned trolleys, once the powers have come into effect
- C. Consults people affected (and their representatives)
- D. Starts issuing charges for the removal, storage & return of abandoned shopping trolleys from our Borough Supermarkets."

RESOLVED: That this Council:

- A. Formally adopts the powers to remove abandoned trolleys with effect from 1 November 2021.
- B. Announces in at least 1 local newspaper that West Lancashire

Borough Council will now be removing abandoned trolleys, once the powers have come into effect

- C. Consults people affected (and their representatives)
- D. Starts issuing charges for the removal, storage & return of abandoned shopping trolleys from our Borough Supermarkets.

.....  
**THE MAYOR**



## PLANNING COMMITTEE

**HELD: Thursday, 22 July 2021**

Start: 7.00 p.m.

Finish: 7.45 p.m.

### PRESENT:

Councillor: D O'Toole (Chairman)  
G Owen (Vice Chairman)

Councillors: Mrs P Baybutt G Johnson  
A Blundell E Pope  
D Evans J Thompson  
S Evans P O'Neill  
A Fennell J Upjohn  
J Finch Mrs M Westley

In Attendance: Councillor R Cooper – Tanhouse Ward

Officers: Catherine Thomas, Development, Heritage and Environment Manager  
Therese Maguire, Principal Planning Officer  
David Delaney, Legal Assistant (Planning)  
Jill Ryan, Senior Member Services Officer

### 25 APOLOGIES

There were no apologies for absence received.

### 26 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillor N Delaney and the appointment of Councillor P O'Neill for this meeting only, thereby giving effect to the wishes of the Political Groups.

### 27 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no items of urgent business received.

### 28 DECLARATIONS OF INTEREST

There were no Declarations of Interest received.

### 29 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

30 **MINUTES**

RESOLVED: That the minutes of the meeting held on the 17 June 2021 be approved as a correct record and signed by the Chairman.

31 **PLANNING APPLICATIONS**

The Corporate Director of Place and Community submitted a report on planning applications (all prefixed 2021 unless otherwise stated) as contained on pages 193 to 245 of the Book of Reports and on pages 247 to 252 of the Late Information Report,

(Notes:

1. In accordance with Regulatory Procedure Rule 7(a), Councillor Cooper spoke in connection with planning application 0107/FUL relating to Elm Tree Community Primary School, Elmers Wood Road, Skelmersdale, and left the meeting after consideration of this item.
2. An Objector and Applicant spoke in connection with planning application 0569/FUL relating to 11 Old Rectory Green, Aughton and left the meeting after consideration of this item.
3. An Objector spoke in relation to planning application 0450/FUL relating to Land adjoining 15 Church Road, Wrightington).

32 **2021/0569/FUL - 11 OLD RECTORY GREEN, AUGHTON, ORMSKIRK, LANCASHIRE**

RESOLVED: That planning application 0569/FUL relating to 11 Old Rectory Green, Aughton, Ormskirk be approved subject to the conditions and reasons as set out on pages 197 to 198 of the Book of Reports.

33 **2021/0153/FUL - SPENCERS FARM, RUFFORD ROAD, BISPHAM, ORMSKIRK, LANCASHIRE**

RESOLVED: That planning application 0153/FUL relating to Spencers Farm, Rufford Road, Bispham, Ormskirk be approved subject to the conditions as set out on pages 202 to 203 of the Book of Reports.

34 **2021/0154/FUL - SPENCERS FARM, RUFFORD ROAD, BISPHAM, ORMSKIRK, LANCASHIRE**

RESOLVED: That planning application 0154/FUL relating to Spencers Farm, Rufford Road, Bispham, Ormskirk be approved subject to the conditions as set out on pages 209 to 210 of the Book of Reports.



**35 2021/0350/FUL - ASMALL HOUSE FARM, ASMALL LANE, SCARISBRICK, ORMSKIRK, LANCASHIRE**

RESOLVED: That planning application 0350/FUL relating to Asmall House Farm, Asmall Lane, Scarisbrick be approved subject to the conditions and reasons as set out on pages 217 to 219 of the Book of Reports.

**36 2021/0459/FUL - 3 AND 3A MOOR STREET, ORMSKIRK, LANCASHIRE**

RESOLVED: That planning application 0459/FUL relating to 3 and 3A Moor Street, Ormskirk be refused as per the reasons for refusal set out on page 225 of the Book of Reports.

**37 2021/0107/FUL - ELM TREE COMMUNITY PRIMARY SCHOOL, ELMERS WOOD ROAD, SKELMERSDALE, LANCASHIRE**

RESOLVED: That planning application 0107/FUL relating to Elm Tree Community Primary School be approved subject to the conditions as set out on page 231 of the Book of Reports.

**38 2021/0418/FUL - BANK HOUSE, AYREFIELD FARM, BANK BROW, ROBY MILL, UP HOLLAND, SKELMERSDALE**

RESOLVED: That planning application 0418/FUL relating to Bank House, Ayrefield Farm, Bank Brow, Roby Mill be deferred for one cycle to allow Up Holland Parish Council the opportunity to address the Committee with regard to this application.

**39 2021/0450/FUL - LAND ADJOINING 15 CHURCH LANE, WRIGHTINGTON, WIGAN, LANCASHIRE**

RESOLVED: That planning application 0450/FUL relating to land adjoining 15 Church Lane, Wrightington be approved subject to the conditions and reasons as set out on pages 243 to 245 of the Book of Reports.

.....  
**Chairman**



## LICENSING & APPEALS COMMITTEE

**HELD:** Tuesday, 27 July 2021

**Start:** 7.33 pm

**Finish:** 8.00 pm

### PRESENT:

Councillor: T Devine (Chairman)  
J Mee (Vice Chairman)

Councillors: T Aldridge  
N Delaney  
J Gordon  
K Juckes  
G Owen  
I Eccles  
G Johnson  
J Monaghan  
J Witter

Officers: Paul Charlson, Environmental Health Manager  
Michaela Murray, Senior Licensing Officer  
Kay Lovelady, Principal Solicitor  
Andrew Smith, Legal Assistant  
Kirsty Breakell, Member Services / Civic Officer

### 1 APOLOGIES

Apologies were received on behalf of Councillor P O'Neill.

### 2 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of membership of Councillor K Lockie and the appointment of Councillor G Owen for this meeting only, thereby giving effect to the wishes of the political groups.

### 3 URGENT BUSINESS

There were no urgent items of business.

### 4 DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

### 5 DECLARATION OF INTEREST

There were no declarations of interest.

### 6 MINUTES OF SUB - COMMITTEES OR WORKING GROUPS

There were no minutes to receive.

### 7 MINUTES

RESOLVED: That the minutes of the meeting held on 1 June 2021 be received as a correct record and signed by the Chairman.

8 **EXCLUSION OF PRESS AND PUBLIC**

RESOLVED That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 2 (Identity of an individual) and Paragraph 7 (Criminal Matters) part 1 of Schedule 12A outweighs the public interest in disclosing the information.

9 **PRIVATE HIRE DRIVER - WK/000266605 (PARAGRAPH 2 IDENTITY OF AN INDIVIDUAL AND PARAGRAPH 7 CRIMINAL MATTERS)**

Members were asked to consider an existing Private Hire Driver Licence, Application Number WK/000266605, having regard to offences recorded against the Driver.

The Applicant attended the meeting and was interviewed by the Committee, during which time he was advised of his right to appeal to the Magistrates Court if aggrieved by the decision.

RESOLVED: That Private Hire Driver Licence, Application Number WK/000266605 be revoked with immediate effect.

(Note the Officers from Place and Community Services left the meeting as Members considered their decision in this case)

.....  
**Chairman**

## AUDIT & GOVERNANCE COMMITTEE

HELD: Wednesday, 28 July 2021

Start: 6.33 pm

Finish: 8.00 pm

### PRESENT:

Councillor: E Pope (Chairman)

Councillors: A Fennell N Furey  
J Gordon J Mee  
N Pryce-Roberts I Davis

Officers: Mike Kostrzewski, Finance and Audit Manager  
Jacqueline Pendleton, Internal Audit Manager  
Judith Williams, Assistant Solicitor  
Kirsty Breakell, Member Services Officer

#### 1 APOLOGIES

Apologies were received from Councillor P. O'Neill.

#### 2 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillor T Blane and the appointment of Councillor D Daniels, thereby giving effect to the wishes of the Committee.

#### 3 URGENT BUSINESS

There were no items of urgent business.

#### 4 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

#### 5 MINUTES OF PREVIOUS MEETING

RESOLVED: That the minutes of the meeting held on 25<sup>th</sup> May 2021, be approved as a correct record, noting that Councillor A. Fennell was in attendance at the meeting.

#### 6 PUBLIC SPEAKING

There were no items under this heading.

#### 7 GRANT THORNTON - 2020-21 AUDIT PLAN AND PROGRESS UPDATE REPORT

Consideration was given to the Consideration was given to the Grant Thornton 2020-21 Audit Plan and Progress Update Report as contained on pages 175-220 of

the Book of Reports.

The Chairman invited Simon Hardman, Audit Manager Grant Thornton, to present the findings to the Committee.

Comments and Questions were raised as follows:

- The impact of using estimates and there was reference made to the next pensions valuation being March 2022
- Timetable of Audit to be carried out by Grant Thornton
- Audit to include Tawd Valley Development (TVD) and costings
- Double auditing of TVD duplicating work
- Increased fees due to Regulators requiring more detailed work around asset and pension valuations.

**RESOLVED:** That the Grant Thornton 2020-21 Audit Plan and Progress Report be noted.

(N.B. Councillor J. Gordon arrived during this item)

**8 SENIOR INFORMATION RISK OFFICER ANNUAL REPORT APRIL 2020 - JULY 2021**

Consideration was given to the Senior Information Risk Officer Annual Report April 2020-July 2021, as contained on pages 263-278 of the Book of Reports which provided Members with an overview of West Lancashire Borough Councils obligation in meeting statutory regulation requirements relating to the processing of personal confidential or identifiable data, under the UK General Data Protection Regulation, the Data Protection Act 2018 and the Councils duty to be transparent through the compliance within the Freedom of Information Act 2000.

The Chairman invited the Finance and Audit Manager to present the findings to the Committee.

Comments and Questions were raised as follows:

- Type of FOI requests received
- Information already being freely available on the WLBC website

The Chairman expressed thanks to the Officers for their high performance in getting the FOI responses out within the guidelines.

**RESOLVED:** That the Senior Information Risk Officer Annual Report April 2020-July 2021 be noted

**9 INTERNAL AUDIT ACTIVITIES - PROGRESS REPORT**

Consideration was given to the Internal Audit Activities Progress Report, as contained on pages 221-232 of the Book of Reports, which advised Members of progress against the 2021-22 Internal Audit Plan.

The Chairman invited the Internal Audit Manager to present the findings to the Committee.

Comments and Questions were raised as follows:

- NHS DSC Toolkit being used to locate vulnerable people during COVID Pandemic
- Checks on COVID grants being undertaken
- Council Tax checks and examples what other Local Authorities do
- Possibility of implementing procedures used by other Local Authorities

RESOLVED: That the Internal Audit Activities Progress Report be noted.

## 10 **EXTERNAL AUDIT ENQUIRIES OF MANAGEMENT**

Consideration was given to the External Audit Enquiries of Management Report, as contained on pages 233-258 of the Book of Reports, the purpose of which is to contribute towards the effective two-way communication between West Lancashire's Borough Council's external auditors and West Lancashire Borough Council's Audit and Governance Committee.

The Chairman invited Simon Hardman and the Finance and Audit Manager to present the findings to the Committee.

Comments and Questions were raised as follows:

- How many Senior Officers were approached with regards the compilation of the responses.
- Were the questions asked standard or bespoke

RESOLVED: That the External Audit Enquiries of Management Report be noted.

## 11 **REGULATION OF INVESTIGATORY POWERS (RIPA) ACT REGULAR MONITORING OF USE OF POWERS**

Consideration was given to the report of the Legal and Democratic Services Manager as contained on pages 259-260 of the Book of Reports, the purpose of which was to report on the Council's use of its power under the Regulation of Investigatory Powers Act 2000 (RIPA)

RESOLVED: That it be noted that the Council has not had cause to use its powers under the Regulation of Investigatory Powers Act 2000 (RIPA) during the last Quarter or last 12 months

## 12 **WORK PROGRAMME**

Consideration was given to the report of the Committee's Work Programme as set out on pages 261-262 of the Book of Reports.

RESOLVED: That the work programme be agreed subject to:

- A. The inclusion of "Understanding Estimates" as the October briefing
- B. Briefing on Tawd Valley Developments to be reviewed by the Committee in October, after the full Council meeting.

13 **FUTURE MEETINGS**

RESOLVED: That the meetings 26 October 2021, 14 December 2021, 26 January 2022, 24 May 2022 be agreed.

.....  
**Chairman**



## PLANNING COMMITTEE

**HELD:** Thursday, 9 September 2021

Start: 7.00 p.m.

Finish: 9.20 p.m.

### PRESENT:

Councillor: D O'Toole (Chairman)  
G Owen (Vice Chairman)

Councillors: Mrs P Baybutt J Finch  
A Blundell G Johnson  
N Delaney E Pope  
D Evans J Thompson  
S Evans Mrs M Westley  
A Fennell

In attendance: Councillor N Pryce-Roberts (Skelmersdale South Ward)  
Councillor V Cummins (Skelmersdale South Ward)  
Councillor D West (Skelmersdale South Ward)

Officers: Heidi McDougall, Corporate Director Place and Community  
Alan Houghton, Interim Head of Growth and Development  
Ann Veevers, Principal Planning Officer  
Mark Loughran, Principal Planning Officer  
Judith Williams, Assistant Solicitor  
Jill Ryan, Senior Member Services Officer

#### 40 **APOLOGIES**

Apologies for absence were received from Councillor Upjohn.

#### 41 **MEMBERSHIP OF THE COMMITTEE**

There were no changes to the membership of the Committee.

#### 42 **URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN**

There were no items of urgent business received.

#### 43 **DECLARATIONS OF INTEREST**

Councillor Mrs Baybutt declared a pecuniary interest in respect of planning application 2021/0390/ARM relating to ORM Works and Former Railway Tavern, Railway Road, Skelmersdale as the applicant was a personal friend of hers and therefore left the Chamber and took no part in the decision making process.

44 **DECLARATIONS OF PARTY WHIP**

There were no Declaration of Party Whip.

45 **MINUTES**

RESOLVED: That the minutes of the meeting held on the 22 July 2021, be approved as a correct record and signed by the Chairman.

46 **PLANNING APPLICATIONS**

The Corporate Director of Place and Community submitted a report on planning applications (all prefixed 2021 unless otherwise stated) as contained on pages 259 to 388 of the Book of Reports and on pages 403 to 412 of the Late Information Report.

(Notes:

1. In accordance with Regulatory Procedure Rule 7(a), Councillor Pryce Roberts spoke in connection with planning application 2021/0390/ARM relating to ORM Works and Former Railway Tavern, Railway Road, Skelmersdale and left the meeting after consideration of this item.
2. Councillor Mrs Baybutt had declared a pecuniary interest in respect of planning application 0390/ARM relating to ORM Works and Former Railway Tavern, Railway Road, Skelmersdale and therefore left the Chamber during consideration of this item.
3. Councillor Johnson arrived during consideration of planning application 0418/FUL relating to Bank House, Ayrefield farm, Bank Brow, Roby Mill, Up Holland and therefore took no part in the debate and did not vote on this application.
4. A Parish Councillor and Agent spoke in connection with planning application 0418/FUL relating to Bank House, Ayrefield Farm, Bank Brow, Roby Mill, Up Holland and left the meeting after consideration of this item.
5. An Objector spoke in connection with planning application 0741/FUL relating to Tarleton Academy, Hesketh Lane, Tarleton and left the meeting after consideration of this item.
6. Councillor D Evans left the Chamber during consideration of planning application 0390/ARM relating to ORM Works and Former Railway Tavern, Railway Road, Skelmersdale and was not present for the remainder of the meeting.
7. An Objector and Agent spoke in connection with planning application 0390/ARM relating to ORM Works and Former Railway Tavern, Railway Road, Skelmersdale and left the meeting after consideration of this item.
8. The meeting was adjourned for a 5 minute comfort break at 8.10pm to allow Officers to bring in more speakers to the Chamber at the conclusion of planning application 0390/ARM relating ORM Works and Former Railway Tavern, Railway Road, Skelmersdale.
9. A Parish Clerk, 3 Objectors and the Agent spoke in connection with planning application 2020/0906/ARM relating to Land to the East of Firswood Road, Lathom and left the meeting after consideration of this item).

47 **2021/0418/FUL - BANK HOUSE, AYREFIELD FARM, BANK BROW, ROBY MILL, UP HOLLAND SKELMERSDALE**

RESOLVED: That planning application 0418/FUL relating to Bank House, Ayrefield Farm, Bank Brow, Roby Mill, Upholland, Skelmersdale be approved subject to the conditions and reasons as set out on page 277 to 278 of the Book of Reports.

48 **2021/0741/FUL - TARLETON ACADEMY, HESKETH LANE, TARLETON, PRESTON**

RESOLVED: That planning application 0741/FUL relating to Tarleton Academy, Hesketh Lane, Tarleton, Preston be approved subject to the conditions and reasons as set out on pages 286 to 293 of the Book of Reports and with the amendments to conditions 13 and 15 and reasons as set out on pages 403 to 405 of the Late Information Report.

49 **2021/0390/ARM - ORM WORKS AND FORMER RAILWAY TAVERN, RAILWAY ROAD, SKELMERSDALE**

RESOLVED: That planning application 0390/ARM relating to ORM Works & Former Railway Tavern, Railway Road, Skelmersdale be approved subject to the conditions and reasons as set out on pages 301 to 303 of the Book of Reports, and with the following additional 3 conditions and reasons:-

Additional Condition 9

Notwithstanding the submitted details, the location of the bin store specified in Plan Ref 17/064/BS01 shall be submitted to and approved in writing by the Local Planning Authority. The bin store shall thereafter be sited prior to occupation of the apartments in the approved location and retained as such for the duration of the development, unless otherwise agreed in writing with the Local Planning Authority.

Reason

To protect the amenity of surrounding residents and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2021-2027 Development Plan Document.

Additional Condition 10

Notwithstanding the submitted Enclosures Layout ref: 17/064/EN01/D, the proposed 0.9m high picket fence along the eastern boundary of Plot 35 shall be substituted with a 1.8m high timber feather edged fence to match that proposed around

the rear garden of Plot 35. The boundary treatment to Plot 35 shall be implemented prior to occupation of the dwelling on Plot 35 and retained in situ thereafter.

Reason

To protect the privacy and amenity of adjacent residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Additional Condition 10

Notwithstanding the submitted site layout plans, details of the measures to prevent motorised vehicles, including motorcycles, from accessing the site from Taylor Street shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be implemented prior to occupation of any dwelling on the site and retained in situ thereafter.

Reason

To prevent vehicles including motorcycles from accessing the site from Taylor Street in the interests of highway safety and residential amenity in accordance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

50      **2021/0439/FUL - PARK HOUSE, BLACK MOSS LANE, SCARISBRICK, ORMSKIRK, LANCASHIRE**

RESOLVED:      That planning application 0439/FUL relating to Park House, Black Moss Lane, Scarisbrick, Ormskirk be approved subject to the conditions and reasons as set out on pages 314 to 321 of the Book of Reports and, with the amendment to paragraph 7.1 of the report as set out on page 407 of the Late Information Report and also with amendments to conditions and reasons 2 and 6 as set out on pages 407 to 408 of the Late Information Report.

51      **2021/0549/FUL - DELPH COTTAGE, CROW LANE, DALTON, WIGAN, LANCASHIRE**

RESOLVED:      That planning application 0549/FUL relating to Delph Cottage, Crow Lane, Dalton, Wigan be approved subject to the conditions and reasons as set out on pages 326 to 328 of the Book of Reports.

52      **2021/0444/FUL - 3 AND 3A MOOR STREET, ORMSKIRK, LANCASHIRE**

RESOLVED:      That planning application 0444/FUL relating to 3 and 3A Moor Street, Ormskirk be approved subject to the conditions and

reasons as set out on pages 334 to 335 of the Book of Reports.

**53 2021/0113/ARM - LAND TO THE EAST OF TOLLGATE ROAD, BURSCOUGH, LANCASHIRE**

RESOLVED: That planning application 0113/ARM relating to Land to the East of Tollgate Road, Burscough be approved subject to the conditions and reasons as set out on pages 348 to 353 of the Book of Reports.

**a 2020/0906/ARM - LAND TO THE EAST OF FIRSWOOD ROAD, LATHOM, LANCASHIRE**

RESOLVED: That planning application 2020/0906/ARM relating to Land to the East of Firswood Road, Lathom be deferred to allow the applicant to meet with local residents

**54 2021/0142/FUL - LAND TO THE WEST OF CHILDREN AND PARENTING SUPPORT SERVICES, FAIRLIE, BIRCH GREEN, SKELMERSDALE, LANCASHIRE**

RESOLVED: Planning application 0142/FUL relating to Land To The West Of Children And Parenting Support Services, Fairlie Birch Green, Skelmersdale had been removed from the agenda to allow time for Officers and interested parties to consider the additional information and the application will be brought back to a future Planning Committee.

**55 THE PLANNING SERVICE REVIEW - UPDATE**

Consideration was given to the report of the Corporate Director of Place and Community as contained on pages 389 to 402 of the Book of Reports, which outlined the proposed actions and updated Members on the progress with implementing the recommendations of the planning services review.

The Corporate Director of Place and Community outlined the report and explained that a Working Group, made up of cross departmental representatives, led by the Corporate Director Place and Community had met on a regular basis to drive the implementation of the recommendations which had been categorised into short, medium and long term actions.

In discussion comments and questions were raised in respect of:

- That a further interim report was going back to an extra Executive Overview and Scrutiny Committee in January 2022 to continue monitoring the review and whether this should also come back to Planning Committee.
- Additional capacity needed in the Planning Department was imperative
- Timescales involved for all of the reviews – 81 in total

**PLANNING COMMITTEE**

**HELD: Thursday, 9 September 2021**

- Weekly lists for planning applications – members found these very useful
- Call in procedures – members not understanding this process
- Responsibility of each section in the plan – which officers were responsible.
- Planning Applications down for refusal and being called into Planning Committee – if down for refusal why bring to Planning Committee.

RESOLVED: That the comments be noted.

56 **DATES OF FUTURE MEETINGS**

AGREED: That the future dates of Planning Committees be noted.

.....  
**Chairman**

## STANDARDS COMMITTEE

**HELD:** Tuesday, 21 September 2021  
**Start:** 5.02 pm  
**Finish:** 5.30 pm

### PRESENT:

Councillor: I Moran (Chairman)  
D Westley (Vice Chairman)

Councillors: I Davis  
Y Gagen

In attendance: M Fawcett (Independent Person)

Officers: Kay Lovelady, Legal and Democratic Services Manager  
Kirsty Breakell, Member Services Officer

### 1 APOLOGIES

Apologies were received on behalf of Councillors D. Daniels and D. Evans, Parish Councillors J Stopford and Linda Webster and from Independent Person, Mr Steve Garvey.

### 2 MEMBERSHIP OF THE COMMITTEE

There were no changes to the Membership of the Committee.

### 3 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

### 4 URGENT BUSINESS

There were no urgent items of business.

### 5 PUBLIC SPEAKING

There was no public speaking

### 6 MINUTES

RESOLVED: That the minutes of the meeting held on 16 March 2021, be approved as a correct record.

### 7 COMPLAINTS STATISTICS

The Legal and Democratic Services Manager presented the Complaints Statistics as contained on pages 11 – 14 of the Book of Reports, which provided Members with statistical information in relation to Standards Complaints for the period 17 March 2021 to 21 September 2021. There were no complaints for this period.

RESOLVED: That the Standards Complaints Statistics attached at appendix 1 be noted.

**8 CODE OF CONDUCT SEMINAR FOR OFFICERS, BOROUGH AND PARISH COUNCILLORS**

The Legal and Democratic Services Manager updated Members on the proposed Code of Conduct training to be held in November 2021.

RESOLVED: That the update be noted.

**9 STANDARDS COMMITTEE - ANNUAL REPORT 2019-2020**

The Legal and Democratic Services Manager presented the Standards Committee Annual Report as contained on pages 15 – 24 of the Book of Reports.

RESOLVED: That the Standards Committee Annual Report 2020/21, attached as an Appendix to the report, be noted, endorsed and published on the Council's website.

**10 UPDATE ON WHISTLEBLOWING CODE**

The Legal and Democratic Services Manager presented the draft Whistleblowing Policy as contained on pages 25 – 58 of the Book of Reports, which sought Members approval of the revised Policy and the same being subject to a public consultation, before final approval being sought from Council in December 2021.

Comments and Questions were raised as follows:

- Policy being passed to the Unions and Corporate Consultancy Group
- Compulsory training to be provided and to become part of the induction pack
- Any previous whistleblowing
- Complaints being assessed on their individual merits

RESOLVED:

- That the draft Whistleblowing Policy be agreed
- That the revised draft Whistleblowing Policy be subject to a public consultation.
- That the Legal & Democratic Services Manager and Monitoring Officer, be given delegated authority to amend the draft Whistleblowing Policy having considered any comments received from Audit and Governance Committee and responses from the consultation exercise (as outlined at paragraph 6 of the report) prior to the revised Whistleblowing Policy being reviewed at full Council on the 15 December 2021.

**11 MEMBERS CODE OF CONDUCT**

The Legal and Democratic Services Manager presented the revised Members Code of Conduct as contained on pages 59 – 132 of the Book of Reports, which sought Members approval of the revised Code of Conduct and the same being subject to a public consultation, before final approval being sought from Council in December



2021.

Comments and questions were raised as follows:

- Social Media Protocols and training

RESOLVED:

- That the draft Members Code of Conduct be agreed
- That the Legal & Democratic Services Manager and Monitoring Officer be given authority to amend the draft Code of Conduct and supporting Guidance, having considered any comments received as a result of the said consultation exercise (as outlined at paragraph 5.5 of the report) and prior to the revised Code of Conduct being reviewed at full Council on the 15 December 2021.

12 **WORK PROGRAMME**

RESOLVED: That the Work Programme be noted.

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**Chairman**





COUNCIL: 13 October 2021

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**Report of: Corporate Director of Transformation and Resources**

**Relevant Portfolio Holder: Councillor I Moran**

**Contact for further information: Mrs Julia Brown (Extn. 5065)**  
**(E-mail: [julia.brown@westlancs.gov.uk](mailto:julia.brown@westlancs.gov.uk) )**

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## **OVERVIEW AND SCRUTINY ANNUAL REPORT 2020/21**

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Wards affected: Borough wide

### **1.0 PURPOSE OF THE REPORT**

1.1 To present the Overview and Scrutiny Annual Report 2020/21 and consider how Overview and Scrutiny is working at West Lancashire.

### **2.0 RECOMMENDATION**

2.1 That the Overview and Scrutiny Annual Report 2020/21, appended to this report, be noted and the Overview and Scrutiny Committees be commended on their work.

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### **3.0 BACKGROUND AND CURRENT POSITION**

3.1 The Overview and Scrutiny Annual Report, appended to this report, provides details of the work of the Overview and Scrutiny Committees undertaken during 2020/21.

3.2 The Council's decision on 10 July 2019, on the Sustainable Organisation Review Project has required the review of members' role in terms of providing a more strategic input. The Member Development Commission are also currently considering a review of the future delivery of Scrutiny in West Lancashire. This may influence the content of Annual Reports in later years.

### **4.0 SUSTAINABILITY IMPLICATIONS**

4.1 Overview and Scrutiny arrangements can assist in involving the community in decisions which affect their lives.

## **5.0 FINANCIAL AND RESOURCE IMPLICATIONS**

5.1 There are no specific financial or resource implications arising from this report. However, there are financial and resource implications in respect of officer and member time in dealing with overview and scrutiny matters which must be contained within available resources.

## **6.0 RISK ASSESSMENT**

6.1 Effective overview and scrutiny arrangements are important in holding the executive to account, policy development and meeting statutory requirements.

## **7.0 HEALTH AND WELLBEING IMPLICATIONS**

7.1 There are no health and wellbeing implications arising from this report.

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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 or stakeholders. Therefore no Equality Impact Assessment is required.

### **Appendices**

Appendix - Overview and Scrutiny Annual Report 2020/21



# West Lancashire Borough Council

Overview and Scrutiny Annual Report 2020/21





## **INTRODUCTION**

Welcome to the eighteenth annual report on Overview and Scrutiny in West Lancashire, which gives a retrospective insight into the important work undertaken by each of the Council's Overview and Scrutiny Committees that has made a real difference to the work of the authority and information on some of the subjects our Committees will be scrutinising during 2021/22.

In 2020/21 Council year Overview and Scrutiny at West Lancashire operated through two Committees, the Executive Overview and Scrutiny Committee and the Corporate and Environmental Overview and Scrutiny Committee. The work undertaken has been wide-ranging and the report notes key scrutiny activity handled over the last year. Members in examining the issues presented to them have considered best practice and taken evidence from interested parties, highlighting the reasons that informed the recommendations resulting from their work.

Recognising the extensive and in-depth nature of the work undertaken by the two Committees, I would like to thank, past and current Members who were involved in the scrutiny activities during 2020/21. Particular thanks goes to those external to the Council who gave up their time to attend various forms of meetings and contribute to the work of the Committees.

The Council continues to recognise the importance of the independent challenge of overview and scrutiny and the diversity of the contributions that has been invaluable in assisting the approach to overview and scrutiny at West Lancashire Borough Council.

**Chris Twomey**

Corporate Director of Transformation and Resources

October 2021

# SCRUTINY IN WEST LANCASHIRE

In 2020/21 Overview and Scrutiny operated through two committees – The Executive Overview and Scrutiny Committee and the Corporate and Environmental Overview and Scrutiny Committee.

## Executive Overview and Scrutiny Committee

The Executive Overview and Scrutiny Committee continues to provide a cross-cutting forum to consider matters as follows:

- 'Call In' – scrutinising decisions made by Cabinet prior to implementation
- 'Post Hoc Scrutiny' – examining decisions after they have been made
- Considering matters referred by Cabinet or Council
- Making proposals to Cabinet or Council/reviewing the performance of the Cabinet and the Council's senior officers
- Conducting budget and policy development linked to the Cabinet Cycle

During 2020/21 under the Chairmanship of Councillor Donna West, the business of the Executive Overview and Scrutiny Committee included consideration of the following matters:

### 'Call In'

There were no 'call-in' requests received during this period.

### 'Post Hoc Scrutiny'

All minutes of Cabinet meetings were referred to the Committee for post hoc scrutiny. As part of this process the Committee held the Cabinet to account for the decisions they had taken and raised detailed questions and observations on the following items:

- Use of S106 Funds on the Edge Hill Cycle Link, in respect of the cost and location of the Cycle Link.  
The Strategic Planning, Regeneration and Implementation Manager responded in relation to this, and also explained that a detailed plan can be found at Appendix A of the Cabinet report.
- CIL Funding Programme 2021/22, in respect of (D) That, previously saved CIL monies be allocated to the delivery of the following project in 2021/22 - £385,000 – Parbold-Appley Bridge towpath improvements.  
"Had the implications of the LCC decision on landfill at Parbold Hill and the impact on the towpath whilst this work is undertaken been considered".
- Liverpool City Region Spatial Development Strategy – Second Round of Consultation, in relation to areas of the Borough not being considered in the consultation.
- Quarterly Performance Indicators (Q2 2020/21), in respect of the current recycling target and if this target had been achieved in the last 12 months.



The Corporate Director of Place and Community advised that this information would be circulated to Members following the meeting.

- Confirmation of Procedural matters: Flooding and Drainage Cabinet Working Group Terms of Reference, in respect of (D) To give consideration to all the issues and options associated with the establishment of an internal drainage board. It was expressed that reference to 'River Authority' had not been included as per the recommendation of the Working Group.
- A question was raised in respect of Minute 90 - A Regeneration Plan For Skelmersdale Town Centre, regarding the structure of the Place Shaping Hub and nature of public involvement.

The Corporate Director of Place and Community advised of the plans structure of the Hub and explained that phase one had commenced to develop the scheme and that phase two will look at land to develop with the creation of a 'masterplan' where there will be input from Members and the Community.

### **Matters referred by Cabinet or Council to Executive Overview and Scrutiny Committee for views and comments**

Cabinet or Council are able to refer items directly to Scrutiny, however it is usual that reports are headed up for both Executive Overview and Scrutiny Committee as well as Cabinet and, on occasion Council, when appropriate.

### **Making proposals to Cabinet or Council**

The Overview and Scrutiny Committee has the power to make recommendations to the Cabinet or Council in respect of any issue.

- **Use of capital funding for public realm improvements at wheatsheaf walk** - The Committee agreed with the content of the report in relation to the potential removal of the pagoda and planters at Wheatsheaf Walk, however it was noted that the Portfolio Holder for Planning would consider this item further with Cabinet colleagues at their informal meeting held on Friday 26 June 2020, taking into account the close result of the vote taken on the 'comment' (not agreed) and the Motion, prior to a decision being taken by the Director of Place and Community.
- **Climate Change Strategy and Action Plan 2030** – The Committee approved the CCS&AP 2030 for presentation to Cabinet and the Committee also noted the Council's policy to aspire to Carbon Neutrality by 2030 at the latest, but wished to stress to Cabinet, its desire to achieve that target as soon as practical, prior to that date.
- **Shared Service Review** – The Committee considered the proposals and were agreed for consideration by Council on 16 December 2020.
- **Overview & Scrutiny Function Review** –
  - A. That an in-house 'Overview & Scrutiny at West Lancashire' training session be held each year following a local election with a further session on 'Best Practice Scrutiny' being arranged with an external trainer in the year that there are no local elections, as detailed in paragraph 6 of the report.

B. That Council be recommended to amend the timetable of meetings for 2021/22 to allow for Executive Overview & Scrutiny Committee to be held prior to Cabinet, to accommodate pre-scrutiny, with a Special 'Call In' Meeting of Executive Overview & Scrutiny Committee being scheduled following Cabinet, to meet as and when required, as detailed in paragraph 7 of the report.

C. That Members of Overview & Scrutiny Committees be asked to submit questions in advance of meetings.

D. That Council be recommended to amend 'The Overview & Scrutiny Procedure Rules at Constitution 14' to read:

**"Attendance by others**

- (a) *The leaders of the political groups on the Council shall be allowed to attend each Overview and Scrutiny Committee and to speak but not vote on any issue under consideration."*

E. That it be recommended:

That no change be made to Constitution 9.2: Members' Update Procedure Rules and the form for submitting Members Update Items, attached at Appendix 2 to the report, and information items continue to be reported via the Corporate & Environmental Overview & Scrutiny Members Update.

F. That no change be made to the current number of Overview & Scrutiny Committees at West Lancashire i.e. retain Executive Overview & Scrutiny Committee and Corporate & Environmental Overview & Scrutiny Committee.

- **Accommodation Strategy** - The Committee agreed that the Corporate Director of Transformation & Resources, in consultation with the Resources & Transformation Portfolio Holder, be recommended to include the following paragraph to the WLBC Office Accommodation Strategy:-  
"1.3. That any concerns arising from the reviews undertaken as a result of this strategy are subject to the usual scrutiny and that no decision will be taken before the matter is taken before Council."

**Conducting policy and budget development linked to the Cabinet Cycle**

Policy and Budget Development is also a key role for scrutiny and the Committee was involved in the following during the year:

- **Shared Service Review** – The Committee considered the proposals and were agreed for consideration by Council on 16 December 2020.

Scrutiny members were also members of the following Cabinet Working Groups:

- Local Plan
- West Lancashire Leisure Partnership
- Landlord Services Committee

- Funding of Voluntary & Other Organisations
- Electoral Review
- Community Wealth Building
- Flooding and Drainage

## **Budget Scrutiny**

The Committee has continued to be involved in budget scrutiny. Corporate Directors/Heads of Service and various officers across the Council have attended meetings to provide information and answer questions.

The Committee has scrutinised and monitored the following finance reports during the year:

- HRA Revenue & Capital Mid-Year Review 2020/21
- HRA Revenue and Capital Mid-Year Review
- Housing Account – Revenue and Capital Budget Setting
- HRA Revenue & Capital Monitoring

## **Member Development Commission**

The overview of the development of Members continues through Executive Overview and Scrutiny committee, the Member Development Group representatives and Portfolio Holders/Shadow Portfolio Holders with special interests. The Commission meets twice a year with ad hoc meetings as required where Members have been kept abreast of courses, conferences and other training opportunities and identifies appropriate training to support Members. Members have attended these in accordance with their particular areas of interest. The Identification of Training Needs (ITNs) for Members is continued.

Members have also attended events organised for them including;

Women in Political Leadership Forum - *North West Employers*

Digital and Data Training Sessions (OFFERED) - *Local Government Association*

Leisure Workshop - *West Lancashire Borough Council*

National Combatting Gangs, Violence and County Lines Conference - *Government Events*

Women in Political Leadership Forum (OFFERED) - *North West Employers*

Elected Member Briefings – Prevent (OFFERED) - *Lancashire Prevent Team*

Zero Carbon Communities - *Puget Sound Energy*

Zero Carbon Communities (OFFERED) - *Electricity North West*

Women in Political Leadership Network Forum (OFFERED) - *North West Employers*

Guidance for the use of personal data in political campaigning (OFFERED) - *Information Commissioner's Office*

Elected Members Counter Terrorism Briefing (OFFERED) - *Lancashire Prevent Team*

Leading the homelessness sector: A councillor's guide (OFFERED) - *Local Government Association*

Induction Programme for New Councillors - *West Lancashire Borough Council*

Audit and Governance Briefing - *West Lancashire Borough Council*

Key Features of the Accounts - *West Lancashire Borough Council*

Waste Management Conference - *Government Events*

Licensing & Appeals and Licensing & Gambling Committees Training - *West Lancashire Borough Council*

Electric Charging Networks - *Association for Public Service Excellence*

Planning Committee Training - *Planning Officers Society*

Climate Change - *Association for Public Service Excellence*  
PAS Councillor Training: Local Plans (OFFERED) - *Planning Advisory Service (PAS) Events*  
PAS Councillor Training: Decision Making - *Planning Advisory Service (PAS) Events*  
PAS Councillor Training: Infrastructure Planning - *Planning Advisory Service (PAS) Events*  
Newly Elected Councillor Event - *Local Government Association*  
NW Employers Councillor Induction Programme - *North West Employers*  
Energy Solutions - *Association for Public Service Excellence*  
Think Tank, Housing - *Local Government Association*  
Zero Carbon Communities - *Electricity North West*  
E-Merge E-Learning System Training - *West Lancashire Borough Council*  
LGA Virtual Annual Conference - *Local Government Association*  
West Lancashire Scrutiny Training - *West Lancashire Borough Council*  
An Introduction to MS Team Meetings - *West Lancashire Borough Council*  
Egress Learning Session - *West Lancashire Borough Council*

In 2019 the Commission was tasked with identifying a way forward in order to give effect to the greater role that was envisaged for Councillors in setting the strategy and direction of the organisation under the Sustainable Organisation Review.

The Commission is currently undertaking a review of the Overview & Scrutiny function at West Lancashire and a report with the findings and recommendations will go to Council in 2021/22.

The Executive Overview & Scrutiny Committee is kept up to date with the work of the Commission through the minutes of its meetings.

## **Corporate and Environmental Overview and Scrutiny Committee**

The remit of the Corporate and Environmental Overview and Scrutiny Committee is to:

- Undertake Performance Management.
- Conduct in-depth reviews/policy development within Services, including related external matters as set out in its Work Programme for the relevant year.
- Routinely review recommendations from previous reviews.
- Consider Members' items (including Councillor Call for Action).
- Consider Items referred to it from the Members' Update at the request of a Member.
- Act as the Council's Crime and Disorder Committee.

Under the Chairmanship of **Councillor Carl Coughlan** the business of the Corporate and Environmental Overview and Scrutiny Committee in 2020/21 included consideration of the following matters:

### **Performance Management**

The Committee plays a key role in performance management by:

- Monitoring and commenting on Council performance by considering regular performance management reports.
- Requesting additional performance information to scrutinise specific service quality.
- Holding the Cabinet and Officers to account if specified outcomes are not being met, ensuring questions are asked both about value for money and the performance of staff.

- Ensuring that effective performance systems are in place and working well.
- Conducting strategic reviews that include service performance in line with strategic objectives.
- Raising individual agenda items on aspects of poor performance.

During 2020/21 the Committee scrutinised the following reports and raised detailed questions in respect of the following:

- Quarterly Performance Indicators ended 30 June 2020, with particular reference to:
  - ES04% locations inspected falling into categories A/B – Litter 85% to 90%
  - ES06% locations inspected falling into categories A/V- Dog Fouling 85% to 90%
  - ES11% locations inspected falling into categories C/D-Detritus 15% to 10%
  - BV8% Invoices paid on time
  - NI157a - Processing of Planning Applications – Major Applications
  - NI157b - Processing of Planning Applications - Minor Applications
  - NI157c - Processing of Planning Applications - Other Applications
  - NI191- Kerbside residual household waste per household (Kg)
  - TS11% - Rent loss through dwellings being vacant
  - WL108 - Average answered waiting time for callers to the contact centre
  - ES07% of locations inspected falling into categories C/D Overflowing Litter Bins
- Quarterly Performance Indicators presented ended 30 September 2020, with particular reference to:
  - TS1a – Rent collected from current and former tenants as a % of rent owed (excluding arrears b/f)
  - ES18 – Fly tip incidents reported
  - NI157a, b, c - Processing of Planning Applications
  - HW01 – No. attending health, wellbeing and sport activities and courses
  - B1 – Time taken to process Housing Benefit/Council Tax Support new claims and change events (days)
  - ES14,15,16,17 (Average missed bins per fortnight)
- Quarterly Performance Indicators presented 31 December 2020, with particular reference to:
  - B1 - Time taken to process Housing Benefit / Council Tax Support new claims and change event (days)
  - ES18 Flytip incidents reported
  - TS1a - Rent collected from current and former tenants as a % of rent owed (excluding arrears)
  - HW01 - No. attending health, wellbeing and sport activities and courses
  - ES06% - Locations inspected falling into categories A/B–Dog Fouling (Cumulative)
- Quarterly Performance Indicators presented 31 March 2021, with particular reference to:
  - WL132-c19 – working days lost due to sickness absence per average FTE had recently been included for COVID absences, although these are not included in the QPI 'count'.
  - WL85a Website: no. visits.

Relevant officers attended the meetings and provided additional information and responded to questions. Where required actions plans were developed to evidence how underperformance was being effectively addressed, these actions plans are shared with the Committee.

### **Other items considered:**

At the request of Cabinet, the Corporate Overview and Scrutiny Committee receive annually, in the form of a presentation to Members, a report on the work undertaken in the previous twelve months on the:

- **Leisure Trust**

An update on the work undertaken in the previous twelve months was presented on behalf of West Lancashire Community Leisure (WLCL)/SERCO. In 2020/21 representatives of WLCL, attended a meeting (16 September 2021) to present the annual report of that body and responded to detailed questions on the presentation.

- **Crime and Disorder Scrutiny**

Members scrutinised the work being undertaken around crime and disorder, projects being delivered in the borough to combat and improve resident's lives and how it was funded. A presentation was made to the Committee on behalf of the West Lancashire Community Safety Partnership outlining the vision of the Partnership. The committee were reassured by the work being undertaken by the partnership and recognised the positive impact this is having on the communities of West Lancashire.

### **In-depth review/policy development**

#### **Financial Inclusion Strategy**

The topic was chosen by the Committee following a consultation and scoring exercise. The aim of the Committee was to review the 'Council Tenants Financial Inclusion Strategy'. The Committee received briefings and presentations from the Financial Inclusion Team. Virtual Stakeholder Workshops took place and service users were interviewed to enable feedback on the key issues. A further feedback session was held involving Members of the Committee. The committee concluded its work on this review in 2021 and a revised Strategy was presented and approved by Cabinet on 12 January 2021. The key outcomes from the review included the strategy's new focus supporting all citizens rather than just tenants, a greater focus on collaborative working and the purchase of a case management system to support cross organisation referrals.

A review of the Committee's recommendations was considered by the Committee at its meeting on 16 September 2021.

#### **Action on Climate Emergency combined with 'Create/Designate Hedgehog and Wildlife areas in public parks/gardens across the Borough.**

The topic was chosen by the Committee following a consultation and scoring exercise. Members felt that both the topics, 'Action on Climate Emergency' and 'Create/designate Hedgehog and wildlife areas in public parks/gardens across the Borough' would work complimentary together and suggested combining both topics for selection on to the Committee's 2021/22 Work Programme. The Committee received briefings and presentations

from the Environmental Strategy Officer and Head Ranger. An on-line consultation took place to enable feedback from citizens, businesses and interested groups. The results were detailed at the meeting held in June 2021 and the outcomes and actions were presented to the Committee at the meeting in September 2021.

The interim draft final report was presented to the Committee on 16 September 2021 to agree the final recommendations of the review for submission to Cabinet on 25 January 2022.

### **Other matters referred to the Corporate and Environmental Overview and Scrutiny Committee for views and comments**

In 2020/21 the following items were referred to the Committee:

- **Review of a trial of Compaction Litter Bins** –The Committee were provided with further information regarding the proposal to install compaction litter bins in designated locations within West Lancashire. It was recommend to Cabinet that the trial of compaction litter bins in designated locations be postponed and further reviewed in one year's time, and that the capital funds of £10k allocated to the trial be utilised to bring forward and introduce the Borough wide single to dual bin waste upgrade replacement programme.
- **Overview and Scrutiny Review** – The Committee considered the recommendations of the Member Development Commission following a review of the Overview & Scrutiny function at West Lancashire. It was recommended that the terms of reference of the Member Development Commission be extended to review the number and remit of Overview & Scrutiny Committees at West Lancashire, including the Members Update procedure rules, by comparing Overview & Scrutiny structures of other similar local authorities, and submit recommendations to Executive Overview & Scrutiny Committee, Corporate & Environmental Overview & Scrutiny Committee and Council, if appropriate, which should include any additional staff resource required, with an implementation date of May 2022.

### **Member items/Councillor Call for Action**

Any Member can ensure that any matter relevant to the remit of the Committee can be placed on the agenda and discussed at a meeting in accordance with the protocol for submitting Members Items and Councillor Call for Action in accordance with the provisions in the Local Government and Public Involvement in Health Act 2007 (as amended).

There were no items requested under this arrangement in 2020/21

### **Crime and Disorder Committee**

Section 19 of the Police and Justice Act 2006 requires every local authority to have a crime and disorder committee with the power to review or scrutinise decisions made or other action taken in connection with the discharge by responsible authorities of their crime and disorder functions. The Crime and Disorder (Overview and Scrutiny) Regulations 2009 complement the provisions under section 19.

The Corporate and Environmental Overview and Scrutiny Committee has been designated as the committee responsible for undertaking this function, enabling that committee to scrutinise the work of the West Lancashire Community Safety Partnership and the partners who comprise it, insofar as their activities relate to the partnership itself. The legislation gives

powers to scrutinise the Community Safety Partnership (CSP) rather than the partners to encourage Members to focus on policy issues rather than individual organisations. The Council has a duty to carry out crime and disorder scrutiny at least once a year in order to fulfill its statutory responsibility.

At the meeting of the Corporate and Environmental Overview and Scrutiny Committee held on 11 March 2021, Members received a presentation which provided the Committee with an understanding of the Community Safety Partnership Vision and an overview of crime figures. The Environmental Health Manager attended the meeting to provide information and respond to questions. The committee were reassured by the work being undertaken by the partnership and recognise the positive impact this is having on the communities of West Lancashire.

## **OFFICER SUPPORT**

The Council ensures that officers effectively support the overview and scrutiny function to encourage a healthy culture of open debate and reporting. It has developed an integrated approach with officer support from a variety of sources: Member Services, Partnership/Performance and officers from Services across the Council. This integrated approach means that a full range of professional skills can be used when undertaking any particular scrutiny exercise.

The Corporate Director Transformation and Resources is responsible for the Council's overview and scrutiny function.

Overview and Scrutiny Committees are administered by Member Services, led by the Democratic Services Manager, to bring a supported and corporate approach to the scrutiny process, whilst maintaining its independence within the democratic function.

This Council has a supportive senior officer culture for Overview and Scrutiny. As well as attending meetings, Corporate Directors/Heads of Service and other senior officers play a proactive role in supporting the function by:

- Assisting in identifying the Work Programme (ensuring it is focused on the Council's Corporate Priorities, thereby adding value), being mindful of big issues "on the horizon", scheduling in reports from the inspectorate regimes etc.
- Briefing Members on current issues.
- Assisting in identifying officer support when required.
- Overseeing the quality and value of reports to Committees.

The Corporate Director of Transformation and Resources leads the performance management agenda on behalf of the Council through:

- Provision of performance information, production of corporate performance plan, establishing the Council's high-level priorities, target and action.
- Corporate inspection regimes.
- Establishment of the Council's Performance Management Framework including the incorporation of service plans.

Officers from Environmental Services and West Lancashire Community Safety Partnership have supported development relating to crime and disorder scrutiny.



## **OVERVIEW AND SCRUTINY NETWORKS/TRAINING**

### **North West Strategic Scrutiny Network (NWSSN) – North West Employers' Organisation**

This councillor led network is for scrutiny chairmen, vice chairmen and experienced scrutineers. The role of the group is to support councillors in their development of their scrutiny function role, share good practice and advice and highlight local and national drivers.

The network is open to both Councillors and officers in organisations who hold membership with North West Employers.

The NWSSN aims are:

- To increase collaboration between authorities to ensure greater efficiencies and explore value for money approaches.
- To support the value of overview and scrutiny.
- To share intelligence, knowledge, resources and generate ideas to improve scrutiny function.
- To disseminate information on national and regional initiatives to ensure equal opportunity.
- To share strategic and practical contributions and recognise the value of listening to experiences.

The Centre for Governance & Scrutiny (CfGS) and NWE also provide sign-posts to guidance and information through Bulletins and Newsletters.

## **HEALTH SCRUTINY**

Health Scrutiny functions are conferred on Councils with social services responsibilities as a result of The Local Authority (Public Health, Health and Well-Being Boards and Health Scrutiny) 2013 Regulations.

The Health Scrutiny Committee at LCC exercises the statutory functions of a health overview and scrutiny Committee. The purpose of the Committee is to review and scrutinise issues relating to health and adult social care delivered by LCC, the National Health Service and other relevant partners. Membership includes 12 non-voting co-opted district Council Members. In 2020/21 West Lancashire's representative was Councillor S Gregson.

Members receive regular Members' Updates on the work being undertaken by the Committee in order to provide an opportunity to feedback any comments via the Council's representative or request items to be included on the next appropriate Committee agenda for more detailed scrutiny.

The North West Ambulance Service also provide information through Bulletins to its stakeholders.

## **PUBLICITY**

Press releases are regularly sent out to the local press in the area. Independent articles related to work undertaken through the reviews have also been reported on in newspapers circulating in the Borough.

## **WORK PROGRAMMES**

The process for establishing the work programmes is well established.

- **Members of the Council** submit topics (to ensure Member involvement)
- **Members of the Corporate Management Team** submit topics (to ensure a strategic input into the process)
- **Members of the public** submit topics via a press release and the inclusion of an article on the Council's web site (to encourage public participation)

The Work Programme for each Committee is included on the Council's web site, which includes a facility to submit potential topics. Comments in relation to overview and scrutiny in general may also be sent.

The Council uses well-established Selection/Rejection Criteria for scoring topics to ensure a structured approach to the selection of topics to be included in the Work Programme.

## **THE PLAN FOR THE DEVELOPMENT OF OVERVIEW AND SCRUTINY**

- The Annual Report will routinely be submitted to Council.
- The Overview and Scrutiny web page will continue to be updated.
- Support will continue for innovative reviews.
- Performance Management including the annual review of the work undertaken through West Lancashire Leisure Trust.
- Operation of the overview and scrutiny agenda through two Committees
- Participation in the Scrutiny Networks, where appropriate.
- Further training will be provided for officers and members, within existing resources.
- To undertake a review of the Overview & Scrutiny function through the Member Development Commission

## **CONCLUSION**

This report has highlighted the main activities undertaken by overview and scrutiny during 2020/21 and most importantly how the role of scrutiny has made a tangible difference to the work of the authority. The Overview and Scrutiny Committees have considered a range of issues that impact on the Council and the Borough as a whole. Overview and Scrutiny will continue to ensure policies and practices are developed and meet objectives.

## **CONTACTS**

**For further information about this annual report or any aspect of scrutiny work in West Lancashire please contact:**

Jacky Denning, Democratic Services Manager, 52 Derby Street, Ormskirk, West Lancashire L39 2DF, Phone 01695 585384, E-mail: [jacky.denning@westlancs.gov.uk](mailto:jacky.denning@westlancs.gov.uk)

All overview and scrutiny reports are available to the public on our website and by request.

We are always happy to talk to you about what is happening in overview and scrutiny. If you have any comments or topics for future scrutiny work, then please do get in touch. You can also visit our website at [www.westlancs.gov.uk](http://www.westlancs.gov.uk)

Please bear in mind that overview and scrutiny is not a complaints system.

## **OVERVIEW AND SCRUTINY 2021/22**

**In 2021/22 overview and scrutiny will operate through two Committees:**

### **Overview and Scrutiny Chairmen**

Executive Overview and Scrutiny Committee – Councillor Adrian Owens  
01257 464813 – [cldr.owens@westlancs.gov.uk](mailto:cldr.owens@westlancs.gov.uk)

Corporate and Environmental Overview and Scrutiny Committee – Councillor Donna West  
01695 729350 – [cldr.west@westlancs.gov.uk](mailto:cldr.west@westlancs.gov.uk)

Member Development Commission – Councillor Cynthia Dereli  
01704 895247 – [cldr.dereli@westlancs.gov.uk](mailto:cldr.dereli@westlancs.gov.uk)

### **Overview and Scrutiny Lead Officers**

Corporate and Environmental Overview and Scrutiny Committee – Chris Twomey, Corporate Director Transformation and Resources  
01695 585262 – [chris.twomey@westlancs.gov.uk](mailto:chris.twomey@westlancs.gov.uk)

Executive Overview and Scrutiny Committee – Heidi McDougall, Corporate Director Place and Community  
01695 585191 – [heidi.mcdougall@westlancs.gov.uk](mailto:heidi.mcdougall@westlancs.gov.uk)

Member Development Commission – Jacky Denning, Democratic Services Officer  
01695 585384 – [jacky.denning@westlancs.gov.uk](mailto:jacky.denning@westlancs.gov.uk)

### **Overview and Scrutiny Function and Support Officers**

Overview and Development – Jacky Denning, Democratic Services Manager  
01695 585384 – [jacky.denning@westlancs.gov.uk](mailto:jacky.denning@westlancs.gov.uk)

Overview and Scrutiny Committees / Development and Support – Julia Brown, Member Services Officer 01695 585065 – [Julia.brown@westlancs.gov.uk](mailto:Julia.brown@westlancs.gov.uk)

Member Development Commission Support - Julia Brown, Member Services Officer 01695 585065 – [Julia.brown@westlancs.gov.uk](mailto:Julia.brown@westlancs.gov.uk)

E-mail any of the team at [member.services@westlancs.gov.uk](mailto:member.services@westlancs.gov.uk)





**STANDARDS COMMITTEE:**  
21 September 2021

**COUNCIL:** 13 October 2021

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**Report of:** Legal and Democratic Services Manager & Monitoring Officer

**Contact for further information:** Mrs Kay Lovelady (Extn 5075)  
(E-mail: [Kay.lovelady@westlancs.gov.uk](mailto:Kay.lovelady@westlancs.gov.uk) )

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**SUBJECT: REVIEW OF THE MEMBERS' CODE OF CONDUCT**

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Wards affected: Borough wide.

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To seek approval of the revised Members' Code of Conduct following which the Code shall be subject to public consultation.

## **2.0 RECOMMENDATIONS TO STANDARDS COMMITTEE**

- 2.1 That the draft Members Code of Conduct be agreed
- 2.2 That the Legal & Democratic Services Manager and Monitoring Officer be given authority to amend the draft Code of Conduct and supporting Guidance having considered any comments received as a result of the said consultation exercise (as outlined at paragraph 5.5 below) and prior to the revised Code of Conduct being reviewed at full Council on the 15 December 2021

## **3.0 RECOMMENDATIONS TO COUNCIL**

- 3.1 That the draft Members Code of Conduct be agreed
- 3.2 That the revised draft Members Code of Conduct be subject to a public consultation.
- 3.3 That the Legal & Democratic Services Manager and Monitoring Officer be given authority to amend the draft Code of Conduct and supporting Guidance having considered any comments received as a result of the said consultation exercise (as outlined at paragraph 5.5 below) and prior to the revised Code of Conduct being reviewed at full Council on the 15 December 2021

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## **4.0 BACKGROUND**

- 4.1 On 30 January 2019, the Committee on Standards in Public Life published its national report on local government ethical standards:

<https://www.gov.uk/government/publications/local-government-ethical-standards-report>

- 4.2 One of the main recommendations of the Committee was that the Local Government Association (LGA) should create an updated, non-mandatory, model code of conduct, which local authorities could then consider either adopting in full or adapting according to their local circumstances.
- 4.3 The model code was published by the LGA in December 2020, and updated in May 2021, and is attached at Appendix 1.
- 4.4 The Council's current Members' Code of Conduct, which has also been adopted by all parishes within West Lancashire, is attached at Appendix 2. The current code was adopted by West Lancashire Borough Council on 1 July 2012.
- 4.5 The Committee on Standards in Public Life also made a number of best practice recommendations. Recommendation 3 provides that principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities on the content of the code.

## **5.0 TIMETABLE FOR CONSIDERATION OF THE MEMBERS' CODE OF CONDUCT**

- 5.1 Under the Council's constitution, Standards Committee has the function of "advising the Council on the adoption or revision of the Members' Code of Conduct".
- 5.2 Prior to drafting the revised draft Members Code of Conduct, the Standards Committee at their meeting on the 16<sup>th</sup> March 21, considered a report of the Legal and Democratic Services Manager with regard to the Members' Code of Conduct in the light of the publication of the model code of conduct by the LGA.
- 5.3 Members were asked at the meeting to provide initial, in principal views, as to whether they would wish to see the LGA model code adopted in full, a continuation of the existing Code "as is", or revisions made to the existing Code.
- 5.4 It was decided that there should be revisions to the existing Code with a view to adopting the definitions at the beginning of the LGA Model Code but retaining the current Code in relation to Declarations of Interest. It was felt that Members were familiar with current practices when determining interests which allowed for transparency and consistency. A copy of the proposed Draft Members Code of Conduct is attached at Appendix 3.

- 5.5 The relevant amendments have been made to the draft Code. In addition, to assist Members when declaring interests a flowchart describing how a Member should determine what interest they hold and what actions can be taken depending on that interest has been included at Page 15
- 5.6 The LGA have recently published a Guidance document to accompany their Model Code. To assist members a similar Guidance document has been produced to reflect the proposed draft revised Members Code of Conduct. The guidance provides more information on each part of the Code as well as examples of acceptable/unacceptable conduct. Unlike the Code itself the Guidance document will not be contained in the Constitution but will be available on the Council's website or on request. It is intended to assist with interpretation and may be used by the Standards Committee and Monitoring Officer when determining Standards Complaints.
- 5.7 Given the Committee on Standards in Public Life's best practice recommendation that authorities should regularly consult on the content of their codes of conduct, it was agreed that a "consultation draft" of the proposed code is considered by Standards Committee at this meeting, for approval by Council at its October 2021 meeting. The draft code would then be the subject of a consultation exercise with members of the public and other stakeholders (including parish and town councils) during October/November 2021 prior to consideration of responses received and formal adoption of the Code by Council at its December 2021 meeting. To ensure consistency of approach across West Lancashire parishes would be encouraged to adopt the same code.

## **6.0 SUSTAINABILITY IMPLICATIONS**

- 6.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 7.1 There are no significant financial or resource implications arising from this report.

## **8.0 RISK ASSESSMENT**

- 8.1 This item does not require a formal risk assessment and no changes have been made to risk registers as a result of this report.

## **9.0 HEALTH AND WELLBEING IMPLICATIONS**

- 9.1 Ensuring high standards of member conduct supports health (in particular mental health) and wellbeing within West Lancashire. This report provides an update on actions taken in consideration of the best practice recommendations of the Committee on Standards in Public Life following its national review of Local Government Ethical Standards to help to ensure high standards are maintained.

## **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 stakeholder. Therefore no Equality Impact Assessment is required.

Appendix 1 – LGA's Model Members' Code of Conduct

Appendix 2 – West Lancashire Borough Council and Parish Councils Members' Code of Conduct

Appendix 3 – West Lancashire Borough Council and Parish Council's revised Members Code of Conduct.

Appendix 4 – West Lancashire Borough Council and Parish Council's revised Members Code of Conduct – Guidance Document.





## **Local Government Association**

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

#### **Joint statement**

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

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

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

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

## Introduction

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

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

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

## Definitions

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

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

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

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

## Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

## **General principles of councillor conduct**

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

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

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

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

In undertaking my role:

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

## **Application of the Code of Conduct**

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

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

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

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

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

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

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

Officer.

## **Standards of councillor conduct**

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

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

### **General Conduct**

#### **1. Respect**

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

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

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

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

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

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

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

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

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

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

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

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

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and

contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

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

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

### **3. Impartiality of officers of the council**

**As a councillor:**

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

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

### **4. Confidentiality and access to information**

**As a councillor:**

#### **4.1 I do not disclose information:**

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

#### **4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

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

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

## **5. Disrepute**

**As a councillor:**

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

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

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

## **6. Use of position**

**As a councillor:**

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

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

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

**As a councillor:**

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

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

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

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

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport

- access and use of local authority buildings and rooms.

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

## **8. Complying with the Code of Conduct**

### **As a Councillor:**

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

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

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

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

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

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

## **9. Interests**

### **As a councillor:**

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

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

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

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

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

## **10. Gifts and hospitality**

### **As a councillor:**

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
  
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
  
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

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



## **Appendices**

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

The principles are:

#### **Selflessness**

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

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

#### **Objectivity**

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

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## Appendix B Registering interests

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

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

**"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

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

### Non participation in case of disclosable pecuniary interest

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

### Disclosure of Other Registerable Interests

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

## Disclosure of Non-Registerable Interests

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

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

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

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

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

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

### Table 1: Disclosable Pecuniary Interests

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

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

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
<b>Land and Property</b>	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
<b>Licenses</b>	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
<b>Corporate tenancies</b>	<p>Any tenancy where (to the councillor’s knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
<b>Securities</b>	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

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

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**Table 2: Other Registrable Interests**

You must register as an Other Registrable Interest :

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
  - (i) exercising functions of a public nature
  - (ii) directed to charitable purposes or
  - (iii) 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

## Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

**Best practice 1:** Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

**Best practice 2:** Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

**Best practice 3:** Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

**Best practice 4:** An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

**Best practice 5:** Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

**Best practice 6:** Councils should publish a clear and straightforward public interest test against which allegations are filtered.

**Best practice 7:** Local authorities should have access to at least two Independent Persons.

**Best practice 8:** An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

**Best practice 9:** Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

**Best practice 10:** A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

**Best practice 11:** Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

**Best practice 12:** Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

**Best practice 13:** A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

**Best practice 14:** Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

**Best practice 15:** Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

***The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.***



## 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; 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; and (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**

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

**Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

**Objectivity**

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

**Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

**Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

**Honesty**

Holders of public office should be truthful.

**Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.



# West Lancashire Borough Council - Constitution

## Part 5 - Codes and Protocols – Consultation Draft

### 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 this Code and the attached Annex.
2. You must comply with this Code whenever you act in your capacity as a Member or Co-opted Member.
3. 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.

#### Definitions

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

a) is a member of any committee or sub-committee of the authority, or;

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

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

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

#### Purpose of the Code of Conduct

5. The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

## **General principles of councillor conduct**

6. Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles (see Annex below).

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

7. In accordance with the public trust placed in me, on all occasions:
- I act with integrity and honesty
  - I act lawfully
  - I treat all persons fairly and with respect; and
  - I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

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

## **Application of the Code of Conduct**

8. This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.
9. This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:
- you misuse your position as a councillor
  - your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;
10. The Code applies to all forms of communication and interaction, including:
- at face-to-face meetings
  - at online or telephone meetings
  - in written communication
  - in verbal communication
  - in non-verbal communication
  - in electronic and social media communication, posts, statements and comments.

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

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

## **Standards of councillor conduct**

12. This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken. Guidance is included to help explain the reasons for the obligations and how they should be followed.

## **General Conduct**

### **Respect**

13. **As a councillor:**

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

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

14. Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.
15. In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

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

## **Bullying, harassment and discrimination**

16. **As a councillor:**

**16.1 I do not bully any person.**

**16.2 I do not harass any person.**

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

17. The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.
18. The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.
19. Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
20. The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

## **Impartiality of officers of the council**

**21. As a councillor:**

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

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

## **Confidentiality and access to information**

**23. As a councillor:**

**23.1 I do not disclose information:**

**a. given to me in confidence by anyone**

**b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**

- i. I have received the consent of a person authorised to give it;**
- ii. I am required by law to do so;**
- iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
- iv. the disclosure is:**
  - 1. reasonable and in the public interest; and**
  - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
  - 3. I have consulted the Monitoring Officer prior to its release.**

**23.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

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

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

## **Disrepute**

**25. As a councillor:**

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

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

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

## Use of position

### 28. As a councillor:

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

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

## Use of local authority resources and facilities

### 30. As a councillor:

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

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

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

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

Examples include:

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

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

## Complying with the Code of Conduct

### 32. As a Councillor:

- 32.1 I undertake Code of Conduct training provided by my local authority.**
- 32.2 I cooperate with any Code of Conduct investigation and/or determination.**
- 32.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**
- 32.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**
33. It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

## **Obligations**

**34. As a Councillor:**

- 34.1 I act in accordance with all legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures.**
- 34.2 I have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 (as amended)**
- 34.3 When reaching decisions on any matter I will have regard to any relevant advice provided to me by the Council's Chief Finance Officer; or Monitoring Officer where that officer is acting pursuant to his or her statutory duties.**
- 34.4 I will give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.**

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

### **Interests**

**35. As a councillor:**

**35.1 I register and disclose my interests. – See Appendix B below**

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

37. You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.
38. You should note that failure to register or disclose a disclosable pecuniary interest (see below) is a criminal offence under the Localism Act 2011.
39. **Appendix B** sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer

## **Gifts and hospitality**

### **40. As a councillor:**

- 40.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
  - 40.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £100 within 28 days of its receipt.**
  - 40.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**
41. In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality.
  42. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered.
  43. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.



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## Appendix B – Registering Interests

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 7 below)
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.
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.*
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.
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.*
6. 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.

# Registering and declaring disclosable pecuniary interests

## Definitions

**7. 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 <u>Trade Union and Labour Relations (Consolidation) Act 1992</u> .
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.

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

### **Registering Interests**

8 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.

9. You must, within 28 days of becoming aware of any new interest or change to any interest registered under paragraph 8. notify the Monitoring Officer in writing of the details of that new interest or change.

### **Declaring interests**

10(1) Where you have a non-pecuniary interest described in paragraph 8 above or in 10.(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 8(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 8(i) or 8(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 10.3 (below), 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.

## 10.2 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.

## 10.3 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.

## 10.4 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 8, 9 or 10(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 8, 9 or 10(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.

#### **10.5 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.



**ALSO:**

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 8(i) or (ii). above

**WHEN DOES A NON-PECUNIARY INTEREST BECOME A PECUNIARY INTEREST?**

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 above or relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described above**

**Action**

**Actions for Pecuniary Interests**  
(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.

**What you can do**  
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 must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

**IF IN DOUBT ALWAYS CONTACT THE MONITORING OFFICER OR MEMBER SERVICES FOR ADVICE**





## **ANNEX**

### **NOLAN PRINCIPLES**

#### **Selflessness**

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

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

#### **Objectivity**

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

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

**WEST LANCASHIRE BOROUGH COUNCIL AND PARISH COUNCILS  
MEMBERS' CODE OF CONDUCT**

**BEHAVIOURAL STANDARDS - GUIDANCE DOCUMENT**

**Introduction**

West Lancashire Borough Council has a Members Code of Conduct which forms part of the Constitution. The purpose of the Code is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct

The aim was to make the Code relatively short and easy to read rather than an overly complex legal document as it needs to be accessible to councillors, officers, and the public alike. The following guidance will help you to understand the Code and to maintain standards of behaviour in public life.

The Code together with this guidance have been designed to protect your democratic role, encourage good conduct, and safeguard the public's trust and confidence in the role of councillor in local government. While it sets out the minimum standards of behaviour expected, together with the guidance, it is designed to encourage councillors to model the high standards expected of councillors, to be mutually respectful even if they have personal or political differences, to provide a personal check and balance, and to set out the type of conduct that could lead to complaints being made of behaviour falling below the standards expected of councillors and in breach of the code. It is also to protect councillors, the public, local authority officers and the reputation of local government.

Note: Parts of the Guidance below including some of the examples have been adapted from LGA Guidance Document which accompanied the LGA draft Code.

**Application of the Model Councillors' Code of Conduct**

**General principles of Councillor conduct**

When does the Code apply?

S27(2) of the Localism Act 2011 says that a local authority must adopt 'a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.'

The term 'capacity' is not further defined in the Act. However, the Model Code states that:

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

- you misuse your position as a councillor
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.

This means it applies when you are carrying out your official duties, for example when you are considering or discussing local authority business, either as a councillor or representing the local authority on an outside body.

There is no formal description of what the role of a councillor is, but aside from formal local authority business it would include promoting and representing the local authority in the local community and acting as a bridge between the community and the local authority.

The code does not, therefore, apply solely when you are in local authority meetings or on local authority premises.

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

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

This includes interactions with the public as well as with fellow councillors and local authority officers.

### Acting as a private individual

For something to fall within the code there must be a clear link to a local authority function or your role as a councillor. For example, an argument with a neighbour which does not relate to local authority business would not engage the code, even if your neighbour happens to know you are a councillor and therefore complains to the local authority about being treated disrespectfully.

#### Example

If the facts in the above scenario are changed and on this occasion although the Councillor is having the same argument with a neighbour for example about rubbish in their garden and intimates in any way that he is a Councillor or would use his position to gain an advantage for example if he stated "Do you know who I am, I have friends at the Council I will make sure they know about this. Either clear up your property or they will have you out" may be deemed to be acting in your official capacity.

It is not always immediately apparent in which capacity you are acting, therefore in situations where there may be ambiguity it may be helpful if you can make clear to people in which capacity you are engaging with them.

While the Code does not apply to your non-councillor roles, what you do as a councillor could impact on your position in those other roles.

Political party or group rules may also require you as a councillor to demonstrate certain behaviours as a private individual and failure to do so can result in sanctions from political groups.

Under the Local Government Act 1972 councillors can be disqualified from being a councillor due to matters in their private life, such as being subject to a bankruptcy order or receiving a custodial sentence of three months or longer (whether or not suspended).

In what circumstances might I give the impression to a reasonable member of the public that I was engaged on local authority business?

When you use or attempt to use your position as a councillor to seek to gain an advantage for yourself or someone close to you or to disadvantage someone this is an attempt to misuse your position and therefore falls within the scope of the Code of Conduct.

A number of factors will need to be taken into account to determine whether or not you had used or attempted to use your position as a councillor.

For example:

- writing to someone on local authority headed paper or using a local authority email address may lead someone to assume you were writing in your capacity as a councillor
- handing out a business card where you describe yourself as a councillor may also lead to that assumption;
- wearing official local authority regalia.
- Posting blogs or articles on your party website or social media platforms regarding Council business

Examples

A. Attempting to misuse your position as a councillor would include if you threaten to use your position improperly to block someone's planning, licence or grant application. In effect you would be doing something that only a councillor could do even if as a matter of fact, you did not have the power to do so. That may include an assumption, for example, that you would put inappropriate pressure on officers or fellow councillors or lobby behind the scenes for a particular outcome. It should not be up to a member of the public to have to work out whether you are in fact on a planning committee.

B. Another example would be disclosing confidential information improperly you had received because of your role as a councillor.

C. A councillor returning from a party got into an argument with a taxi driver. When he arrived home, he refused to pay the fare and when he spoke to the manager of the taxi company, he said that he was a councillor and would make sure that the taxi driver's licence was withdrawn by the council. While he was entitled to dispute the payment if he was dissatisfied with the service he had received he was found to have breached the code by invoking his office and seeking to misuse his position to intimidate the manager

and driver and to seek to gain an advantage for himself, notwithstanding the fact that he did not in reality have the ability to carry out his threat.

### Social media postings

Simply describing yourself as a councillor in a social media posting or at the top of your page or in your username or profile, for example, does not of itself mean that every posting you make is covered by the Code. There must be a link within the individual posting or thread to your role as a councillor or to local authority business. However, even if you do not describe yourself as a councillor you may fall within the scope of the code if you are discussing local authority business.

For example, a posting which is simply discussing a recent football match is not covered by the code even if you have described yourself as a councillor. However, if you make a posting threatening a fellow councillor or officer that would fall within the code even if you have not described yourself as a councillor as it relates to local authority business or your role as a councillor.

Each matter would need to be looked at on a case-by-case basis (see guidance on 'disrespect, bullying and harassment in Part 2 for further information).

You should be very careful when describing yourself as a councillor as seeing the word "councillor" may lead to assumptions amongst the community that you are acting as a councillor.

To help avoid some of these issues, some councillors have found it helpful to have separate social media profiles for personal, group and local authority use, though even the strictest privacy settings are no guarantee that posts or actions will remain private. As a rule of thumb, never post anything online you would not be comfortable saying or sharing in a public meeting.

### Examples

Following a heavy snowstorm which meant a local street market could not go ahead a councillor posted on the local community Facebook page that a certain local authority officer should be sacked for failing to put adequate arrangements in place to clear the snow. Even though it was not posted on a local authority page and he did not explicitly describe himself as a councillor in the post he was found to have breached the code by treating an officer with disrespect and seeking to put undue pressure on officers.

A councillor who described himself as such in his Twitter profile made insulting and offensive comments about the Prime Minister which led to complaints being made to his local authority. He was found not to have breached the code as the comments did not directly relate to his role as a councillor or local authority business but were seen as wider political comments.

### What does acting as a representative of my local authority mean?

You are acting as a representative of the local authority when you are sitting on an outside body to which you have been appointed by the local authority, for example.

You would also be considered a representative of the local authority where you were attending an external function or conference on behalf of the local authority or as the local authority's nominated delegate.

You would not be considered as a representative of the local authority where you were attending an event in a party-political role, for example at a political party's annual conference. In that situation you would be subject to any relevant party rules.

Matters in party group meetings would also normally not be covered by the code as they are more matters for a party to regulate. However, if you are clearly trying to improperly influence fellow councillors or put undue pressure on them in relation to local authority business for example then relevant provisions of the code would apply. The same would apply to social media groups you may be a member of, such as a WhatsApp group set up for your local authority group.

### What if I sit on more than one local authority?

If you sit on more than one local authority, you are subject to the code and associated procedures of the local authority you are representing at any one time. As such, if you are on a district council and a parish council, you would be bound by the district code when attending district council meetings or speaking to district council officers; and bound by the parish council code when attending parish council meetings or speaking to parish council officers.

Traditionally West Lancashire Borough Council and its associated Parish Councils have adopted the same code as such the same rules would apply and, for example, your completed register of interests should be the same on both tiers.

### What is a co-opted member?

The code also applies to co-opted members under the Localism Act. A co-opted member under the Act is someone who is entitled to vote on any matter to be decided at a local authority committee or sub-committee.

A parish councillor who has been co-opted to fill a casual vacancy where an election has not been held is also covered by the Code of Conduct in the same way as if they had been elected.

It does not, therefore include co-opted members who do not have voting rights, nor does it cover, for example, an Independent Person appointed under s28 of the Localism Act to support the local authority on standards matters.

However, it would be good practice to ask such councillors to agree to abide by the code of conduct and to inform the monitoring officer of any interests they might have. While they would not formally fall within the statutory framework for complaint handling, they can be removed from their role by the local authority should they be found to have committed a serious breach of the code so it is important that they are also aware of the expected standards of behaviour.

## **Part 2 – General obligations under the Code of Conduct**

### **Respect**

## **As a councillor:**

- 1. I treat other councillors and members of the public with respect.**
- 2. I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Showing respect to others is fundamental to a civil society. As an elected or appointed representative of the public it is important to treat others with respect and to act in a respectful way. Respect means politeness, courtesy and civility in behaviour, speech, and in the written word. It also relates to all forms of communications councillors undertake, not just in meetings. Rude, offensive, and disrespectful behaviour lowers the public's expectations and confidence in its elected representatives.

### **Respect**

The key roles and responsibilities of councillors; representing and serving your communities and taking decisions on their behalf, require councillors to interact and communicate effectively with others. Examples of councillor interaction and communication include talking to constituents, attending local authority meetings, representing the local authority on outside bodies, and participating in community meetings and events. In turn this means that as a councillor you are required to interact with many different people, often from diverse backgrounds and with different or conflicting needs and points of view.

You will engage in robust debate at times and are expected to express, challenge, criticise and disagree with views, ideas, opinions, and policies. Doing these things in a respectful way will help you to build and maintain healthy working relationships with fellow councillors, officers, and members of the public, it encourages others to treat you with respect and helps to avoid conflict and stress. Respectful and healthy working relationships and a culture of mutual respect can encourage positive debate and meaningful communication which in turn can increase the exchange of ideas, understanding and knowledge.

Examples of ways in which you can show respect are by being polite and courteous, listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, showing appreciation and thanks and being kind. In a local government context this can mean using appropriate language in meetings and written communications, allowing others time to speak without interruption during debates, focusing any criticism or challenge on ideas and policies rather than personalities or personal attributes and recognising the contribution of others to projects.

### **Disrespectful behaviour**

Failure to treat others with respect will occur when unreasonable or demeaning behaviour is directed by one person against or about another. The circumstances in which the behaviour occurs are relevant in assessing whether the behaviour is disrespectful. The circumstances include the place where the behaviour occurs, who



observes the behaviour, the character and relationship of the people involved and the behaviour of anyone who prompts the alleged disrespect.

Disrespectful behaviour can take many different forms ranging from overt acts of abuse and disruptive or bad behaviour to insidious actions such as bullying and the demeaning treatment of others. It is subjective and difficult to define. However, it is important to remember that any behaviour that a reasonable person would think would influence the willingness of fellow councillors, officers or members of the public to speak up or interact with you because they expect the encounter will be unpleasant or highly uncomfortable fits the definition of disrespectful behaviour.

Alternatively, ask yourself whether you would be happy for another person to either be speaking or acting in a certain way towards your husband, wife or someone you care about in the way in which you have addressed/acted towards the person in front of you. If the answer is no then it is likely the conduct would be seen as inappropriate.

Examples of disrespect in a local government context might include rude or angry outbursts in meetings, use of inappropriate language in meetings or written communications such as swearing, ignoring someone who is attempting to contribute to a discussion, attempts to shame or humiliate others in public, nit-picking and fault-finding, the use of inappropriate sarcasm in communications, allegations of misconduct such as "officers receiving brown envelopes", intimations of immoral or illegal behaviour and the sharing of malicious gossip or rumours.

#### Why is being respectful so important?

Disrespectful behaviour can be harmful to both you and to others. It can lower the public's expectations and confidence in you and your local authority and councillors and politicians more generally. It influences the willingness of fellow councillors, officers, and the public to speak up or interact with you because they expect the encounter will be unpleasant or uncomfortable. Ongoing disrespectful behaviour can undermine willingness of officers to give frank advice, damage morale at a local authority, and ultimately create a toxic culture and has been associated with instances of governance failure.

#### **Freedom of expression**

The requirement to treat others with respect must be balanced with the right to Freedom of expression. Article 10 of the European Convention on Human Rights protects your right to hold your own opinions and to express them freely without government interference. This includes the right to express your views aloud or in writing, such as in published articles or leaflets or on the internet and social media. Protection under Article 10 extends to the expression of views that may shock, disturb, or offend the deeply held beliefs of others.

However, Article 10 is not an absolute but a qualified right which means that the rights of the individual must be balanced against the interests of society. Whether a restriction on freedom of expression is justified is likely to depend on a number of factors, including the identity of the speaker, the context of the speech and its purpose, as well as the actual words spoken or written. Democracy depends on people being free to express, debate and criticise opposing viewpoints. The courts have generally held that the right to free expression should not be curtailed simply because other people may find it offensive or

insulting. A balance must still be struck between the right of individuals to express points of view which others may find offensive or insulting, and the rights of others to be protected from hatred and discrimination.

Freedom of expression is protected more strongly in some contexts. A wide degree of tolerance is accorded to political speech, and this enhanced protection applies to all levels of politics, including local government.

Article 10 protects the right to make incorrect but honestly made statements in a political context but it does not protect statements which the publisher knows to be false. That said there is an expectation that Councillors should try to appraise themselves of the correct facts before making any statements.

Public servants such as local government officers are subject to wider levels of acceptable criticism than other members of the public when matters of public concern are being discussed. However, the limits are not as wide as they are for elected politicians such as councillors. Officers do not necessarily have the same right of reply to such comments as councillors do and councillors should take care not to abuse or exploit this imbalance.

Recent case law has confirmed that local authority officers should be protected from unwarranted comments that may have an adverse effect on good administration and states that it is in the public interest that officers are not subject to offensive, abusive attacks and unwarranted comments that prevents them from carrying out their duties or undermine public confidence in the administration. That said, officers who are in more senior positions, for example chief executives or heads of services, will also be expected to have a greater degree of robustness.

### **Can councillors criticise officers?**

Yes. In some cases, officers have been known to reject reasonable criticism appropriately made and describe it as disrespectful or bullying. The Code of Conduct is not intended to constrain councillors' involvement in local governance, including the role of councillors to challenge performance. Councillors can question and probe poor officer performance provided it is done in an appropriate way. In the everyday running of a local authority, it is inevitable that councillors may have disagreements with officers from time to time.

It is important that councillors raise issues about poor performance in the correct way and at the appropriate forum in accordance with your local authority's processes and procedures, and not in a public meeting or through a published attack in the media.

It is only where councillors' conduct is unfair, unreasonable, or demeaning that the code will be relevant. If a councillor's criticism is abusive or offensive it is likely to breach the code.

### **What if a member of the public is being unnecessarily disrespectful to me?**

Councillors are allowed to respond to criticism, and where that criticism is robust, then they can be robust in response. However, councillors should always seek to try to be civil and demonstrate leadership in their communication. Even where councillors have been wrongly accused, responding in an angry, defensive way can often escalate the situation.

There has been a growing tendency for members of the public to use social media channels to unfairly criticise local councillors. For more information see the civility in public life resources available on the [LGA's website](#).

### **Examples**

The complaint alleged that the councillor posted on their blog a highly critical comment and an offensive caption about a former councillor, who had passed away and whose funeral had taken place the previous day. The councillor was found to have breached the provisions of his local authority's Code of Conduct relating to councillors treating others with respect; as well as conducting themselves in a manner which could reasonably be regarded as bringing their role or their authority into disrepute.

The complaint alleged that a councillor commented under a pseudonym on a local authority blog referring to possible nepotism in the awarding of a contract to a local firm by the local authority. The standards committee found that the councillor had breached the Code of Conduct in making the posts because he had failed to treat others with respect and, in doing so, he had conducted himself in a manner which brought his role and his local authority into disrepute.

The complaint alleged that a councillor had made remarks of an abusive, insulting and personal nature to the complainant, a police officer, and also made a number of unfounded allegations about him during two telephone calls to a police station made in his capacity as a ward councillor. It was found that the comments amounted to an unacceptable personal attack on the complainant and that the councillor had breached the respect provisions in his local authority's Code of Conduct.

## **Bullying**

### **As a councillor:**

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

Bullying, harassment, discrimination, and victimisation (either directly or indirectly) are unacceptable and should not be tolerated. It is important to recognise the impact such behaviour can have on any individual experiencing it, as well as on the wider organisation in terms of morale and operational effectiveness.

Bullying may be characterised as offensive, intimidating, malicious, insulting, or humiliating behaviour, an abuse or misuse of power that can make a person feel vulnerable, upset, undermined, humiliated, denigrated or threatened. Power does not always mean being in a position of authority and can include both personal strength and the power to coerce through fear or intimidation. Bullying may be obvious or be hidden or insidious. Such conduct is usually part of a pattern of behaviour which attempts to undermine an individual or a group of individuals, is detrimental to their confidence and capability, and may adversely affect their health.

Bullying can take the form of physical, verbal, and non-verbal conduct but does not need to be related to protected characteristics. Bullying behaviour may be in person, by telephone or in writing, including emails, texts, or online communications such as social media. The standards of behaviour expected are the same, whether you are expressing yourself verbally or in writing.

Bullying can affect anyone, in any career, at any time, at any level and within any workplace. Such behaviour can take the form of easily noticed, physically threatening or intimidatory conduct with immediate impact, or it can take place behind closed doors, or be much more subtle or camouflaged and difficult to identify, at least at first. It can start, for example, with what appear to be minor instances, such as routine 'nit-picking' or fault-finding, but which become cumulative or develop into more serious behaviour over time, enabling the perpetrator to isolate and control the person.

Some bullies lack insight into their behaviour and are unaware of how others perceive it. Others know exactly what they are doing and will continue to bully if they feel they are unlikely to be challenged. Bullying can sometimes be overlooked, as a result of common euphemisms being used by way of explanation or justification, referring to someone as having a "poor leadership style" or a "bad attitude," for example, or to the problem being due to a "personality clash".

You should always be mindful of the overall potential impact of the behaviour on others. First and foremost, bullying can have a significant impact on the recipient's well-being and health. Bullying can have an impact on a local authority's effective use of resources and provision of services. Officers who are subject to bullying are frequently away from their posts, sometimes for extended periods, on sickness or stress-related leave. Bullying can impact on a councillor's ability to represent their residents effectively. It can also discourage candidates from standing in local elections, making local authorities less representative of their communities, and impacting local democracy.

Like disrespectful behaviour, bullying can be difficult to define. When allegations of bullying are considered it's likely that the person handling the complaint will consider both the perspective of the alleged victim, and whether the councillor intended their actions to be bullying. They will also consider whether the individual was reasonably entitled to believe they were being bullied.

Conduct is unlikely to be considered as bullying when it is an isolated incident of a minor nature, where it is targeted at issues, rather than at an individual's conduct or behaviour, or when the behaviour by both the complainant and councillor contributed equally to the breakdown in relations. However, the cumulative impact of repeated 'minor' incidents should not be underestimated.

Examples of bullying include but are not limited to:

- verbal abuse, such as shouting, swearing, threats, insults, sarcasm, ridiculing or demeaning others, inappropriate nicknames, or humiliating language
- physical or psychological threats or actions towards an individual or their personal property
- practical jokes
- overbearing or intimidating levels of supervision, including preventing someone from undertaking their role or following agreed policies and procedures
- inappropriate comments about someone's performance
- abuse of authority or power, such as placing unreasonable expectations on someone in relation to their job, responsibilities, or hours of work, or coercing someone to meet such expectations

- ostracising or excluding someone from meetings, communications, work events or socials
- sending, distributing, or posting detrimental material about other people, including images, in any medium
- smear campaigns.

### **Does this mean that councillors cannot raise concerns about officers or fellow councillors?**

Bullying behaviour should be contrasted with the legitimate challenges which a councillor can make in challenging policy or scrutinising performance. An example of this would be debates in the chamber about policy or asking officers to explain the rationale for the professional opinions they have put forward. You are entitled to challenge fellow councillors and officers as to why they hold their views. However, if your criticism is a personal threat or abusive or offensive in nature, you are likely to cross the line of what is acceptable behaviour.

### **Preventing bullying conduct from developing**

Ideally, a culture of honest and clear communication should be sought, with respect for the individual and for the confidentiality required when managing individual performance-related issues.

Early discussion about emerging issues is important to help avoid matters escalating and help establish more effective working arrangements for the future.

## **Harassment**

### **As a councillor:**

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

The Protection from Harassment Act 1997 states that harassment includes behaviour which alarms a person or causes a person distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a victim in a manner that could be expected to cause distress or fear in any reasonable person. Harassment of any kind whether direct or indirect is in no-one's interest and should not be tolerated. It is important to recognise the impact such behaviour can have on any individual experiencing it, as well as on the wider organisation in terms of morale and operational effectiveness.

Like bullying, harassment can take the form of physical, verbal, and non-verbal conduct but does not need to be related to protected characteristics. Harassment may be in person, by telephone or in writing, including emails, texts, or online communications such as social media. It may manifest obviously or be hidden or insidious.

The factors likely to be considered when assessing allegations of harassment are whether the councillor knows or ought to know that their actions constitute harassment, whether a reasonable person would consider the actions to be harassment and the impact of the behaviour/conduct on victim.

Examples of harassment include but are not limited to:

- sending unwelcome emails
- unnecessarily repetitive, intrusive questioning
- unwelcome physical contact such as touching or invading 'personal space'
- haranguing
- intimidation
- inappropriate remarks or questioning such as comments about someone's appearance, lewd comments, and offensive jokes
- overbearing or intimidating levels of supervision, including preventing someone from undertaking their role or following agreed policies and procedures
- inappropriate comments about someone's performance
- placing unreasonable expectations on someone in relation to their job, responsibilities, or hours of work, or coercing someone to meet such expectations
- sexual harassment

### **Example**

The complaint alleged that a councillor had behaved in a disrespectful and harassing manner towards two fellow female councillors and officers. It was established that the councillor had made unwarranted and inappropriate physical contact with the councillors and officers at an official event and had also made remarks towards the officers which were patronising and demeaning. The councillor was found to be in breach of the Code of Conduct.

## **Discrimination**

### **As a councillor:**

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

Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

The Equality Act 2010 imposes positive duties on local authorities to promote equality and to eliminate unlawful discrimination and harassment. Under the Act your authority may be liable for any discriminatory acts which you commit. This will apply when you do something in your official capacity in a discriminatory manner. You must be careful not to act in a way which may amount to any of the prohibited forms of discrimination, or to do anything which hinders your authority's fulfilment of its positive duties under the Act. Such conduct may cause your authority to break the law, and you may find yourself subject to a complaint that you have breached this paragraph of the Code of Conduct. If you are unsure about the particular nature of the duties of your authority you should seek advice from the monitoring officer or parish clerk.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are:

- age

- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex and sexual orientation

There are four main forms of discrimination:

**Direct discrimination:** treating people differently because of their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation.

**Indirect discrimination:** treatment which does not appear to differentiate between people because of their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation but which disproportionately disadvantages them.

**Harassment:** engaging in unwanted conduct on the grounds of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation, which violates another person's dignity or creates a hostile, degrading, humiliating or offensive environment.

**Victimisation:** treating a person less favourably because they have complained of discrimination, brought proceedings for discrimination, or been involved in complaining about or bringing proceedings for discrimination.

Examples of discriminatory behaviour include but are not limited to:

- exclusion or victimisation based on the Protected Characteristics
- treating someone less favourably or limiting their opportunities based on any of the Protected Characteristics
- comments, slurs, jokes, statements, questions, or gestures that are derogatory or offensive to an individual's or group's characteristics
- promoting negative stereotypes relating to individual's or group's characteristics
- racial or ethnic slurs, insults, or jokes
- intolerance toward religious customs
- mimicking, mocking, or belittling a person's disability
- homophobic, biphobic or transphobic comments or slurs
- discriminating against pregnant people or mothers
- declaring ('outing') someone's religion or sexuality or threatening to do so against their will
- deliberate, unwarranted application of an authority's practice, policy or rule in a way that may constitute indirect discrimination

- instructing, causing, inducing, or knowingly helping someone to commit an act of unlawful discrimination under the Equality Act 2010.

A councillor's personality and life experiences will naturally incline them to think and act in certain ways. They may form views about others based on those experiences, such as having an affinity with someone because they have a similar approach to life or thinking less of someone because they are from a different generation. This is known as "unconscious bias" and it can lead people to make decisions based on biases or false assumptions. Councillors need to be alert to the potential of unconscious bias and ensure they make decisions based on evidence, and not on assumptions they have made based on biases.

### **Examples**

The complaint alleged that a councillor 'liked' several racially discriminatory comments on social media and one comment advocating violence against Travellers. The panel found that 'Liking' of the offensive comments did amount to a failure to treat those who were the subject of such comments with respect and a failure to promote equalities in breach of the Code of Conduct.

A councillor was a member of the local authority's recruitment panel to appoint a new chief executive. Five applicants were shortlisted. After one candidate had finished his presentation and left the room the councillor said, "good candidate, shame he's black". The panel found that the Code of Conduct had been breached.

## **Impartiality of officers**

### **As a councillor:**

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

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

Both councillors and officers are servants of the public and are indispensable to one another. Together, they bring the critical skills, experience and knowledge required to manage an effective local authority.

At the heart of this relationship, is the importance of mutual respect. Councillor-officer relationships should be conducted in a positive and constructive way. Therefore, it is important that any dealings between councillors and officers should observe reasonable standards of courtesy, should show mutual appreciation of the importance of their respective roles and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.



Councillors provide a democratic mandate to the local authority and are responsible to the electorate whom they represent. They set their local authority's policy framework, ensure that services and policies are delivered and scrutinise local authority services.

Councillors of the executive, chairs and vice chairs of committees have additional responsibilities. These responsibilities will result in increased expectations and relationships with officers that are more complex. Such councillors must still respect the impartiality of officers and must not ask them to undertake work of a party-political nature or compromise their position with other councillors or other officers.

Officers provide the professional advice and managerial expertise and information needed for decision making by councillors and to deliver the policy framework agreed by councillors. They are responsible for implementing decisions of councillors and the day-to-day administration of the local authority.

The roles are very different but need to work in a complementary way.

It is important for both sides to respect these differences and ensure that they work in harmony. Getting that relationship right is an important skill. That is why the code requires councillors to respect an officer's impartiality and professional expertise. In turn officers should respect a councillor's democratic mandate as the people accountable to the public for the work of the local authority.

Officers may sometimes give you advice that you do not want to hear or does not suit your political views. They must be allowed to do this without fear of recriminations to allow for good decision-making looking at all relevant options.

### **Examples**

A councillor who, over a period of six months, persistently sought to influence the decisions of officers dealing with a complaint by his son and daughter-in-law against their local authority tenant neighbour was found, through his actions, to have compromised the impartiality of the officers and to have used his position improperly to promote the interest of his family and to have brought the role of councillor into disrepute in breach of the Code of Conduct.

### **What if I disagree with the views of an officer?**

You are perfectly entitled to disagree with officers. They are there to give you impartial professional advice and you do not need to accept their advice without question. When you do question them however, you should treat them with respect and recognise that they are professionals.

If you feel dissatisfied with the advice you are given you should raise through appropriate management channels.

### **Having regard to Officer advice**

Councillors take decisions every day that affect the lives of those who live and work within your community. It is therefore important that those decisions are made having regard to all available evidence and weighing up all sides of the argument.

Decisions can be challenged if they are unreasonable, and the local authority could find itself facing an expensive legal bill if it takes a decision which is unlawful. When considering any decision, you must have regard to any professional advice you have been offered, for example from planning or licensing officers. Both the monitoring officer and the chief finance officer have a statutory duty to report formally to the local authority where they believe a local authority action or expenditure is, or may be, unlawful. Similarly, when it comes to elections, you will need to have regard to any advice given to you by the returning officer who may well be a senior officer but in that capacity is entirely independent of and separate from the local authority and is required to be politically neutral.

You must also give reasons for all decisions in accordance with statutory requirements and any reasonable requirements imposed by your local authority. Giving reasons for decisions is particularly important in relation to regulatory decisions and decisions where people's rights are affected. Where councillors disagree with officer recommendations in making a decision, councillors will need to take particular care in giving clear reasons for the decision.

If you seek advice as an individual councillor, or advice is offered to you, for example, on whether or not you should register or declare an interest, you must have regard to this advice before you make your mind up. Failure to do so may lead to a breach of the Code of Conduct.

If in any doubt – be safe and always seek advice from your monitoring officer before taking any action.

The LGA published **“A councillor’s workbook on effective councillor/officer relationships 2018”**. This workbook has been designed as a distance learning aid for local councillors. It forms part of the suite of LGA resources intended to provide councillors with insight and assistance into key skills and knowledge. It is designed to provide a foundation for effective working as you progress in your councillor career, from the ward level to holding a leading councillor position..

## **Confidentiality and access to information**

### **As a councillor:**

#### **4.1 I do not disclose information:**

**a. given to me in confidence by anyone**  
**b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**

- **I have received the consent of a person authorised to give it;**
- **I am required by law to do so;**
- **the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
- **the disclosure is:**
  - 1. reasonable and in the public interest; and**
  - 2. made in good faith and in compliance with the reasonable requirements**

**of the local authority; and**

**3. I have consulted the monitoring officer prior to its release.**

**4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer, or my business interests.**

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

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

### **Confidential information**

While local authority business is by law generally open and local authorities should always operate as transparently as possible, there will be times – for example, when discussing a named individual, confidential HR matters or commercially sensitive information – when it is appropriate for local authority business to be kept confidential or treated as exempt information.

### **Disclosure in the public interest**

Disclosure ‘in the public interest’ is only justified in limited circumstances, when all the following four requirements are met:

- the disclosure must be reasonable
- the disclosure must be in the public interest
- the disclosure must be made in good faith
- the disclosure must be made in compliance with any reasonable requirements of your authority

In summary, to decide whether the disclosure is reasonable and in the public interest, you may need to conduct a balancing exercise weighing up the public interest in maintaining confidentiality against any countervailing public interest favouring disclosure. This will require a careful focus on how confidential the information is, on any potentially harmful consequences of its disclosure, and on any factors, which may justify its disclosure despite these potential consequences. If in doubt you should always seek advice from the monitoring officer. Always keep a note of the reason for your decision.

In some situations, it is extremely unlikely that a disclosure can be justified in the public interest. These will include where the disclosure amounts to a criminal offence, or where the information disclosed is protected by legal professional privilege.

If you are in any doubt contact the Council's Data Protection Officer

## **Access to information**

Transparency is a very important principle underpinning local democracy and public decision-making. The public are entitled to see information about the way decisions are made unless there are specific reasons why that information is confidential.

### **The 'need to know'**

As a councillor, you are not automatically entitled to access all information the local authority holds. For example, the local authority may deal with highly confidential and sensitive information about employees or about residents involved in complex cases.

In addition to rights set out in law or conferred by your local authority constitution, you have a right to inspect documents if you can demonstrate a "need to know". This isn't a right to a roving commission but must be linked to your performance of your duties and functions as a councillor. For example, the need could more easily be demonstrated by membership of a relevant committee, such as a staffing committee than simply because you are interested in seeing the information. Local authorities have more justification for denying free access to particularly sensitive papers such as childcare or staffing records. **You should not seek to get information if you have a declarable interest in it.**

You can also exercise the "need to know" in respect of attending meetings. Access to Information Rules set out an Overview and Scrutiny Committee's rights of access to documents and additional rights of access to documents for councillors to carry out their functions.

Where you are given access to documents which are not available to members of the public, you should ensure that any confidential information is used and protected in an appropriate and secure manner and shared with authorised persons only.

### **Can I use local authority information for matters outside the local authority?**

A councillor is entitled to access information held by the local authority for the performance of their duties as a councillor. If a councillor wishes to use local authority information for any purpose other than in connection with their duties as a councillor, and that information is not in a publicly available document, however, then that councillor should submit a freedom of information request so that it can be given to them to use freely.

The general rule is that any information held by the local authority and given directly to a councillor may only ever be used for the purpose for which it was provided. That purpose may add particular restrictions, for example where it relates to an individual constituent or sensitive matter. The purpose should not be for anything other than use in connection with the proper performance of the councillor's duties as a councillor. The exceptions to this are where the information has already been published, it has been given as a result of a request under Freedom of Information or Environmental Information Regulations or it is in the public interest ('whistleblowing') for which provisions are made in the Code of Conduct as explained above.

## **Disrepute**

## As a councillor:

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

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. Article 10 of the European Convention on Human Rights protects your right to freedom of expression, and political speech as a councillor is given enhanced protection but this right is not unrestricted. You should be aware that your actions might have an adverse impact on your role, other councillors and/or your local authority and may lower the public's confidence in your ability to discharge your functions as a councillor or your local authority's ability to discharge its functions.

In general terms, disrepute can be defined as a lack of good reputation or respectability. In the context of the Code of Conduct, a councillor's behaviour in office will bring their **role** into disrepute if the conduct could reasonably be regarded as either:

1. reducing the public's confidence in them being able to fulfil their role; or
2. adversely affecting the reputation of your authority's councillors, in being able to fulfil their role.

Conduct by a councillor which could reasonably be regarded as reducing public confidence in their local authority being able to fulfil its functions and duties will bring **the authority** into disrepute.

For example, circulating highly inappropriate, vexatious or malicious e-mails to constituents, making demonstrably dishonest posts about your authority on social media or using abusive and threatening behaviour might well bring the role of councillor into disrepute. Making grossly unfair or patently untrue or unreasonable criticism of your authority in a public arena might well be regarded as bringing your local authority into disrepute.

## Questions

### What distinguishes disrepute to "your role or local authority" from disrepute to you as a person?

The misconduct will need to be sufficient to damage the reputation of the councillor's role or local authority, as opposed simply to damaging the reputation of the individual concerned.

Certain kinds of conduct may damage the reputation of an individual but will rarely be capable of damaging the reputation of the role of councillor or the reputation of the authority.

Here are some of the situations that might tip the balance in favour of disrepute to the role of councillor or to the authority in particular cases:

1. Situations where councillors have put their private interests above the public interest, which they are expected to promote as councillors, and therefore reduced

the standing of their role. For example, councillors using their position to secure a secret personal profit.

2. Similarly, situations where a councillor defies important and well-established rules of the authority for private gain.
3. Where a councillor engages in conduct which directly and significantly undermines the authority's reputation as a good employer or responsible service provider.

### **Examples**

A councillor posted a tweet reading "Cllr Blogs why don't you just throw in the towel, just go before you cause any more damage to the reputation of the council. You and some members of your cabinet have failed. I hope that the SFO is brought in to investigate your conduct. #failedleadership." The complainant stated that she found the tweet 'very offensive' and bullying and also considered that the tweet would reasonably bring the councillor's office and the authority into disrepute. The councillor was found to have brought his authority into disrepute by reducing public confidence in the council.

A councillor brought his role and authority into disrepute by taking advantage of a local authority mistake and failing to prevent local authority-employed contractors from working on his privately-owned home. The local authority mistakenly sent decorators to the home, an ex-local authority property. The councillor only told the local authority about the mistake after the work had been completed and then said he could not be charged for the work.

The chair of a local authority made a deeply inappropriate remark at a local authority meeting that was reported in the local media and was accused of bringing his role and authority into disrepute. It was clear in both the meeting and the local media reporting that other councillors expressed concerns about his comments and found them inappropriate. It was found that he had not brought his authority into disrepute but that he had brought his role into disrepute.

## **Misuse of position**

### **As a councillor:**

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

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

You should not use, or attempt to use, your public office either for your or anybody else's personal gain or loss. For example, your behaviour would be improper if you sought to further your own private interests through your position as a councillor.

Involving yourself in a decision in which you have an interest, to seek to benefit yourself or another would be a breach of this paragraph of the code.

Councillors who own land, or whose relatives or close associates own land, need to be particularly cautious where planning matters are concerned. This applies equally to parish councillors when your local authority is consulted on planning matters. Similarly, while it is reasonable to expect councillors to help constituents apply to the local authority, for example, for housing, it is quite improper to seek to influence the decision to be taken by the officers and would also be in breach of the code.

### **What kinds of attempts to advantage or disadvantage would be improper?**

There are circumstances where it will be proper for a councillor to seek to confer an advantage or disadvantage and other circumstances where it will not.

Being a councillor can involve making hard choices and balancing a range of interests. Most decisions will inevitably benefit some people and will be to the detriment of others. It's important when you make those decisions to make them in what you think is the public interest and not be influenced by private interests.

For example, there can be no objection to councillors voicing their opposition to the closure of a local public library. This conduct is clearly intended to secure an advantage for the users of the library. What is crucial is that councillors' attempts to secure this advantage are clearly part and parcel of their duties as a local representative. Therefore, these activities are not improper.

The term 'improperly' is not defined in the Code of Conduct. This ensures that the scope of the provision is not unnecessarily limited. The underlying principle is that councillors are elected or appointed to public office to serve the public interest.

A councillor's conduct would be improper if they were to use their public position to further private interests of themselves or associates, or to settle old scores with enemies, to the detriment of the public interest. Any conduct that unfairly uses a councillor's public position to promote private interests over the public interest will be improper.

### **What if the attempt to confer an advantage or disadvantage fails?**

The wording of the Code of Conduct makes it clear that the use of position provision covers failed attempts as well as situations where an advantage or disadvantage has actually been achieved.

For example, if you have tried to influence fellow councillors to vote in a particular way which would be to your personal advantage and/or that of your family/close associates you would have breached this provision of the code even if they did not in fact vote that way.

### **Examples**

Most alleged improper uses of position are in connection with matters in which the councillors have interests.

A councillor who was a 'joint co-ordinator' of a community group did not notify the local authority of her position in this group. She took part in the considerations and voted on the decision to negotiate a new lease in respect of a workshop used by this community group. A standards committee found that she had used her position improperly as the

decision on which she voted benefited a group in which she clearly had an interest which she had not disclosed to the local authority.

A local authority leader failed to declare a conflict of interest relating to land he owned. The court found that he used his position as a councillor and instructed a planning officer to alter the road route to benefit his own land's value to a considerable extent. He was found guilty of misconduct in public life for trying to influence the route of a new by-pass to enclose his land in a new development belt, which would have significantly increased its value. He received an 18-month custodial sentence.

A parish councillor was found to have improperly used his position and secured an advantage for a member of the public by asking the parish clerk to make a payment which had not been approved by the Parish Council in breach of the Code of Conduct. The payment was for repairs to a private road used by the councillor to get to his allotment.

## **Misuse of resources and facilities**

### **As a councillor:**

**7.1 I do not misuse local authority resources.**

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

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

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

Examples include:

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

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

You must make sure you use the authority's resources for proper purposes only. It is not appropriate to use, or authorise others to use, the resources for political purposes,



including party political purposes. **The recommended code of practice for local authority publicity** published by Ministry of Housing, Communities & Local Government provides guidance on the content, style, distribution, and cost of local authority publicity.

You must be familiar with the rules applying to the use of resources made available to you by your local authority. Failure to comply with the local authority's rules is likely to amount to a breach of the code.

If you authorise someone (for example a member of your family) to use your local authority's resources, you must take care to ensure that this is allowed by the local authority's rules.

You should never use local authority resources for purely political purposes, including designing and distributing party political material produced for publicity purposes.

You should never use local authority resources purely for private purposes, for example using a photocopier to print off flyers for your business unless your local authority's procedures allow for you to repay any costs accrued.

Resources could include any land or premises, equipment, computers, and materials. The time, skills, and assistance of anybody employed by the authority, or working on its behalf, are also resources, as is information held by the authority which it has not published.

### **Examples**

The complaint alleged a councillor used his computer equipment provided by his local authority for private purposes by downloading inappropriate adult pornographic images and sending a number of letters to a local newspaper, which he falsely represented as being from members of the public. He was found to have misused the local authority's equipment in breach of the code and had brought his office into disrepute.

A councillor used local authority notepaper in an attempt to avoid parking penalties incurred by his son. He also dishonestly attempted to renew a parking permit for disabled drivers. He was convicted of attempting, by deception, to evade the parking penalties dishonestly. He was also found by his local authority to have breached this paragraph of the code.

### **As a councillor:**

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

Councillors should be competent for the work they undertake, and this includes the way in which you conduct yourself when carrying out your role as a councillor. Training helps to develop such competence, ensuring that you understand the Code of Conduct and how it applies to you.

As a councillor you are responsible for your own actions and will be held personally responsible if you breach your local authority's Code of Conduct. Therefore, it is essential that, where you are offered the opportunity by your local authority, you equip

yourself with sufficient knowledge of the code to ensure that you comply with it at all times.

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

The Code of Conduct is a cornerstone of good governance. It is important for public trust that it is seen to be taken seriously by individual councillors as well as the local authority as a whole.

While being the subject of a complaint that you have breached the Code of Conduct and having your conduct investigated may at times be unpleasant and stressful it is essential that councillors cooperate with any code investigations and determinations. Failure to cooperate will not stop an investigation but may simply drag matters and does not allow you to put your side of the story so increases the risk that inferences are drawn about your unwillingness to cooperate and that you will be found in breach of the Code.

It is equally important if you have made a complaint which the local authority has decided merits investigation that you continue to cooperate. Complaints made simply to damage the reputation of an individual through inferences but which you are not willing to support through your cooperation will damage relationships and will also damage the reputation of you and your local authority.

If you are asked to assist the investigator as a potential witness it is again important that you do so to allow as fully rounded a picture as possible to be drawn so that any determination on a case has as much evidence as necessary in order to reach the correct decision. You should let the investigator know if you need any reasonable adjustments made.

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

However much you may be concerned about allegations that you or a fellow councillor failed to comply with the Code of Conduct, it is always wrong to intimidate or attempt to intimidate any person involved in the investigation or hearing. Even though you may not have breached the Code of Conduct, you will have your say during any independent investigation or hearing, and you should let these processes follow their natural course. If you seek to intimidate a witness in an investigation about your conduct, for example, you may find yourself subject to another complaint that you breached this paragraph of the Code of Conduct.

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

Fair, consistent, and proportionate sanctions help to ensure the integrity of the standards framework and thus maintain public trust and confidence in councillors, your role, and your authorities. It is important that councillors and local authorities take standards of conduct seriously and the use of sanctions helps to demonstrate this.

Failure to comply with sanctions can bring the standards framework into disrepute.

## **Part 3 – Protecting your reputation and the reputation of the local authority**

The code requires you to register matters under 2 separate categories:

1. Gifts and hospitality, you receive in your role as a councillor; and
2. Certain types of interests

## **Registration of gifts, hospitality and interests**

### **Gifts and hospitality**

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

**9.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**

**9.2 I register with the monitoring officer any gift or hospitality with an estimated value of at least £100 within 28 days of its receipt.**

**9.3 I register with the monitoring officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered.

However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your monitoring officer for guidance.

#### **What does “hospitality” mean?**

Hospitality can be defined as any food, drink, accommodation, or entertainment freely provided or heavily discounted.

#### **How much detail should I include on the register?**

Where you register gifts or hospitality you should include the name of the person or organisation who gave you the gift or hospitality; the date on which you received it; the reason it was given; and its value or estimated value.

#### **How do I know if gifts or hospitality have been offered to me because of my role as a councillor?**

The code says you must register any gift or hospitality received *in your capacity as a councillor* if the estimated value exceeds £100.

You should ask yourself whether you would have received the gift or hospitality if you were not on the local authority. If you are in doubt as to the motive behind an offer of a gift or hospitality, we recommend that you register it or speak to the clerk or monitoring officer before deciding whether to accept it.

You should apply common sense when you consider how receipt of a gift might be interpreted. For example, if you are the chair of the planning committee and a birthday present arrives from a family friend who is also an applicant just before a planning application is due to be considered, then you need to think about how this would be interpreted by a reasonable member of the public.

### **What about gifts or hospitality I do not accept?**

The code makes it clear that the presumption is that you do not normally accept gifts or hospitality. There will be times, however, where turning down hospitality or gifts could be seen as causing unnecessary offence. For example, if you have been invited as a ward councillor to a local festival or faith celebration along with other members of the community then it may be entirely appropriate to accept the hospitality. However, you should always exercise particular caution if the organisers are involved in ongoing negotiations with the local authority on a particular matter.

Where you are offered a gift or hospitality but decline it you should nevertheless notify the monitoring officer. That helps the authority to identify if there are any patterns and to be aware of who might be seeking to influence the authority.

### **What about gifts or hospitality that falls below the limit in the code?**

You should always notify the monitoring officer of any gift or hospitality offered to you if it could be perceived as something given to you because of your position, especially where the gift or hospitality is from somebody who has put in an application to the local authority (or is about to) even where that hospitality falls below £100.

While that would not be a matter for the public register it again allows the authority to be aware of any patterns.

Also, an accumulation of small gifts you receive from the same source over a short period of say a couple of months that add up to £100 or over should be registered in the interests of transparency.

### **What if I do not know the value of a gift or hospitality?**

The general rule is, if in doubt as to the value of a gift or hospitality, you should register it, as a matter of good practice and in accordance with the principles of openness and accountability in public life. You may therefore have to estimate how much a gift or hospitality is worth. For example, if you attend a dinner as a representative of the authority which has been pre-paid by the sponsors you would need to make an informed judgment as to its likely cost.

### **Register of interests**

Section 29 of the Localism Act 2011 requires the monitoring officer to establish and maintain a register of interests of members of the local authority.

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

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the monitoring officer the interests which fall within the categories set out in Appendix B of the Code and which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories :

1. Disclosable Pecuniary Interests – these are categories of interests which apply to you and your partner. The categories are set out in regulations made under s27 of the Localism Act 2011 and knowing non-compliance is a criminal offence.
2. Pecuniary and Non-Pecuniary interests – these are categories of interest which apply only to you and which should be registered as an aid to transparency.

Further details can be found in the Members Code of Conduct where you will also find a useful Flow Diagram to help you ascertain whether you have an interest and what if anything you need to do as a result.





COUNCIL: 13 October 2021

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**Report of: Corporate Director Transformation & Resources**

**Relevant Portfolio Holder: Councillor I Moran**

**Contact for further information: Mrs J Denning (Extn. 5384)**  
**(E-mail: [jacky.denning@westlancs.gov.uk](mailto:jacky.denning@westlancs.gov.uk))**

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**SUBJECT: APPOINTMENT OF VICE CHAIRMAN OF PLANNING COMMITTEE**

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Wards affected: Borough wide

## **1.0 PURPOSE OF THE REPORT**

1.1 To appoint the Vice Chairman of Planning Committee.

## **2.0 RECOMMENDATION**

2.1 That a Councillor who is a Member of the Planning Committee, be appointed Vice Chairman of the Planning Committee for the remainder of the 2021/22 Municipal Year.

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## **3.0 BACKGROUND AND CURRENT POSITION**

3.1 Council Procedure Rule 1.1(x) provides that the Annual Meeting will appoint Chairmen and Vice-Chairmen of Committees for the ensuing Municipal Year.

3.2 At the Annual Meeting of the Council on 19 May 2021, Councillor Susan Evans was appointed Vice Chairman of Planning Committee, when the position became vacant from 22 July 2021, Councillor Gaynar Owen was appointed.

3.3 Since the appointment of Councillor Gaynar Owen as the Portfolio Holder for Planning, the position of Vice Chairman of Planning Committee has now become vacant.

3.4 The Labour Group has nominated Councillor Julian Finch to be appointed Vice Chairman of the Planning Committee.

#### **4.0 SUSTAINABILITY IMPLICATIONS**

4.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

#### **5.0 FINANCIAL AND RESOURCE IMPLICATIONS**

5.1 There are no significant financial or resource implications arising from this report.

#### **6.0 RISK ASSESSMENT**

6.1 This report meets the requirements set out in the Council's Constitution.

#### **7.0 HEALTH AND WELLBEING IMPLICATIONS**

7.1 There are no health and wellbeing implications arising from this report.

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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.



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted



By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

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