



Jacqui Sinnott-Lacey
Chief Operating Officer

52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Monday, 13 September 2021

TO: COUNCILLORS I MORAN, D WESTLEY, D DANIELS, I DAVIS, D EVANS,
Y GAGEN,

**PARISH
COUNCILLORS:** J STOPFORD, L WEBSTER

**INDEPENDENT
PERSONS:** S GARVEY AND M FAWCETT

Dear Councillor and Independent Person,

A meeting of the **STANDARDS COMMITTEE** will be held in the **COUNCIL CHAMBER - 52 DERBY STREET, ORMSKIRK L39 2DF** on **TUESDAY, 21 SEPTEMBER 2021** at **5.00 PM** at which your attendance is requested.

Yours faithfully

A handwritten signature in black ink, appearing to be 'JSL', written over a horizontal line.

Jacqui Sinnott-Lacey
Chief Operating Officer

AGENDA
(Open to the Public)

1. APOLOGIES

2. MEMBERSHIP OF THE COMMITTEE

To be apprised of any changes to the membership of the Committee in accordance with Council Procedure Rule 4. This rule should only

apply to the Standards Committee in exceptional circumstances and if the nominated substitute has been appropriately trained.

- 3. DECLARATIONS OF INTEREST** 1 - 2
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 the use in considering their position on any particular item is included at the end of this agenda sheet).
- 4. URGENT BUSINESS**
Note: No other business is permitted unless, by reason of special circumstances, which shall be specified at the meeting, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.
- 5. PUBLIC SPEAKING** 3 - 8
Residents of West Lancashire, on giving notice, may address the meeting to make representations on any item on the agenda except where the public and press are to be excluded during consideration of the item. The deadline for submission is 10.00am on Friday 17 September 2021. A copy of the public speaking protocol and form to be completed is attached.
- 6. MINUTES** 9 - 10
To receive as a correct record the minutes of the last meeting of the Committee held on 16 March 2021
- 7. COMPLAINTS STATISTICS** 11 - 14
To consider the report of the Legal and Democratic Services Manager & Monitoring Officer.
- 8. CODE OF CONDUCT SEMINAR FOR OFFICERS, BOROUGH AND PARISH COUNCILLORS**
To receive an update from the Legal and Democratic Services Manager.
- 9. STANDARDS COMMITTEE - ANNUAL REPORT 2019-2020** 15 - 24
To consider the report of the Legal and Democratic Services Manager & Monitoring Officer.
- 10. UPDATE ON WHISTLEBLOWING CODE** 25 - 58
To consider the report of the Legal and Democratic Services Manager & Monitoring Officer.
- 11. MEMBERS CODE OF CONDUCT** 59 - 132
To consider the report of the Legal and Democratic Services Officer & Monitoring Officer.
- 12. WORK PROGRAMME** 133 - 134

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:-

Kirsty Breakell on 01695 583312

Or email kirsty.breakell@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**.

	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.

PUBLIC SPEAKING – PROTOCOL

(For meetings of Cabinet, Overview & Scrutiny Committees, Audit & Governance Committee and Standards Committee)

1.0 Public Speaking

- 1.1 Residents of West Lancashire may, on giving notice, address any of the above meetings to make representations on any item on the agenda for those meetings, except where the public and press are to be excluded from the meeting during consideration of the item.
- 1.2 A Parish Council Representative may, on giving notice, address any of the above meetings to make representations on any item on the agenda for those meetings, except where the public and press are to be excluded from the meeting during consideration of the item.
- 1.3 The form attached as an Appendix to this Protocol should be used for submitting requests.

2.0 Deadline for submission

- 2.1 The prescribed form should be received by Member Services by 10.00 am on the Friday of the week preceding the meeting. This can be submitted by e-mail to member.services@westlancs.gov.uk or by sending to:

Member Services
West Lancashire Borough Council
52 Derby Street
Ormskirk
West Lancashire
L39 2DF

- 2.2 Completed forms will be collated by Member Services and circulated via e-mail to relevant Members and officers and published on the Council website via Modgov. Only the name of the speaker (and representative) and details of the issue to be raised will be published.
- 2.3 Groups of persons with similar views should elect a spokesperson to speak on their behalf to avoid undue repetition of similar points. Spokespersons should identify in writing on whose behalf they are speaking.

3.0 Scope

- 3.1 Any matters raised must be relevant to an item on the agenda for the meeting.
- 3.2 The Legal & Democratic Services Manager may reject a submission if it:
 - (i) is defamatory, frivolous or offensive;
 - (ii) is substantially the same as representations which have already been submitted at a previous meeting; or

- (iii) discloses or requires the disclosure of confidential or exempt information.

4.0 Number of items

- 4.1 A maximum of one form per resident will be accepted for each Agenda Item.
- 4.2 There will be a maximum of 10 speakers per meeting. Where there are more than 10 forms submitted by residents, the Legal & Democratic Services Manager will prioritise the list of those allowed to speak. This will be considered having regard to all relevant matters including:
 - a. The order in which forms were received.
 - b. If one resident has asked to speak on a number of items, priority will be given to other residents who also wish to speak
 - c. Whether a request has been submitted in relation to the same issue.

No amendments will be made to the list of speakers once it has been compiled (regardless of withdrawal of a request to speak).

- 4.3 All submissions received will be published on the Council's website and circulated to Members of the relevant body and officers for consideration.

5.0 At the Meeting

- 5.1 Speakers will be shown to their seats. At the commencement of consideration of each agenda item the Leader/Chairman will invite the speakers to make their representations. Speakers will have up to 3 minutes to address the meeting. The address must reflect the issue included on the prescribed form submitted in advance.
- 5.2 Members may discuss what the speaker/s have said, along with any other information/representations submitted under this protocol, when all speakers on that item have finished and will then make a decision. Speakers should not circulate any supporting documentation at the meeting and should not enter into a debate with Councillors.
- 5.4 If residents feel nervous or uncomfortable speaking in public, then they can ask someone else to do it for them, including a Parish or Borough Councillor representative. They can also bring an interpreter if they need one. They should be aware there may be others speaking as well.

(Note: If a Resident wishes to have their Borough Councillor speak on their behalf, the Borough Councillor is not a member of the body considering the item.)

5.5 Speakers may leave the meeting at any time, taking care not to disturb the meeting.

(Please see attached form.)



REQUEST FOR PUBLIC SPEAKING AT MEETINGS

MEETING & DATE

NAME

ADDRESS

Post Code

PHONE

Email

Please indicate if you will be in attendance at the meeting

YES/NO*

*delete as applicable

Please indicate if someone will be speaking on your behalf at the meeting

YES/NO*

*delete as applicable

If someone is speaking on your behalf please provide their contact details:

NAME

PHONE

Email

Note: This page will not be published.

(P.T.O.)

Agenda Item 6

STANDARDS COMMITTEE

HELD: Tuesday, 16 March 2021

Start: 5.00 pm

Finish: 5.25 pm

PRESENT:

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

K Wright I Davis
D Evans Mrs J Marshall

In attendance:
Parish Councillors: L Webster J Stopford
Independent Persons: Steve Garvey Mike Fawcett

Officers: Matt Jones, Legal & Democratic Services Manager
Kay Lovelady, Principal Solicitor
Kirsty Breakell, Member Services / Civic Officer
Chloe McNally, Member Services Apprentice

1 APOLOGIES

There were no apologies.

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 was no urgent business.

5 PUBLIC SPEAKING

There was no public speaking.

6 MINUTES

RESOLVED: That the minutes of the meeting held of the 15 September 2020, be approved as a correct record.

7 COMPLAINTS STATISTICS

The Legal and Democratic Services Manager presented the Complaints Statistics as contained on pages 221 – 226 of the Book of Reports, which provided Members with

statistical information in relation to Standards Complaints for the period 8 September 2020 to 8 March 2021. There were no complaints for this period.

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

8 MEMBERS CODE OF CONDUCT

The Legal and Democratic Services Manager presented the report on the Members Code of Conduct as contained on pages 227 – 256 of the Book of Reports, which sought to agree a timetable for the consideration of the Members Code of Conduct, in light of the publication of a model Code of Conduct by the Local Government Association.

RESOLVED: That the timetable at paragraph 4 of the report be agreed.

9 NATIONAL REVIEW OF LOCAL GOVERNMENT ETHICAL STANDARDS

The Legal and Democratic Services Manager presented the report on the National Review Of Local Government Ethical Standards as contained on pages 257 – 260 of the Book of Reports, which provided 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.

RESOLVED: That the update be noted.

10 REVIEW OF IP PROTOCOL

The Principal Solicitor presented the report on the Review of The Independent Person Protocol as contained on pages 261 – 272 of the Book of Reports, for Members to consider and approve the update to the Independent Person Protocol.

RESOLVED: That the updated Independent Person Protocol as attached at appendix 2 of the report be approved.

11 WORK PROGRAMME

RESOLVED: That the work programme be noted.

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Chairman



**STANDARDS COMMITTEE
21 SEPTEMBER 2021**

Report of: Legal and Democratic Services Manager

Contact for further information: Miss K Breakell (Extn 3312)
(E-mail: Kirsty.Breakell@westlancs.gov.uk)

SUBJECT: COMPLAINTS STATISTICS

Wards affected: Borough wide.

1.0 PURPOSE OF THE REPORT

1.1 To provide statistical information in relation to Standards Complaints.

2.0 RECOMMENDATION

2.1 That the Standards Complaints Statistics, attached at Appendix 1, be noted.

3.0 CURRENT POSITION

3.1 Attached at Appendix 1 is statistical information provided in relation to Standards Complaints for 2020/21, period 17 March 2021 to 21 September 2021. No complaints were received during this period.

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. Activity to date has been undertaken within available budgets.

6.0 RISK ASSESSMENT

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

7.0 HEALTH & WELLBEING IMPLICATIONS

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

Background Documents

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

Appendices

Appendix 1 - Standards Complaints 2020/21 (17 March 2021 to 21 September 2021)

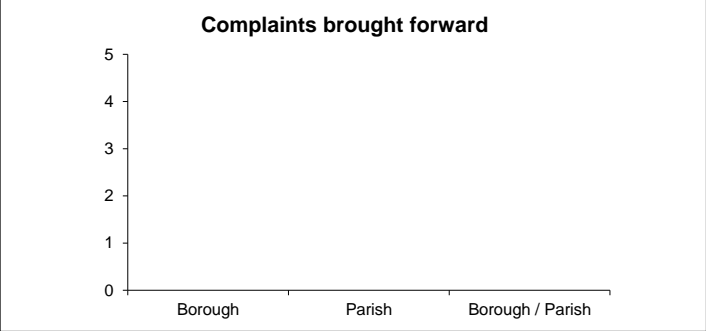


STANDARDS COMPLAINTS 2020 / 2021

17.03.21 - 21.09.2021

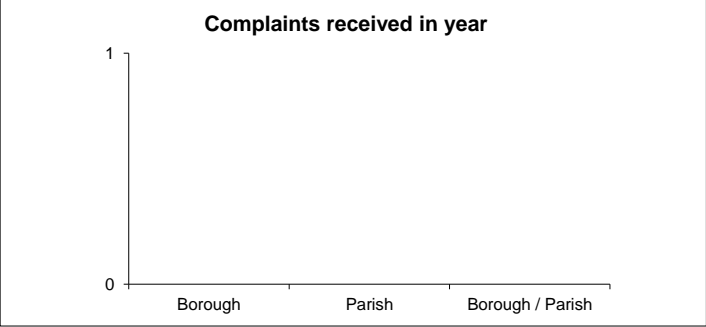
Complaints brought forward

Borough	0
Parish	0
Borough / Parish	0
Total	0



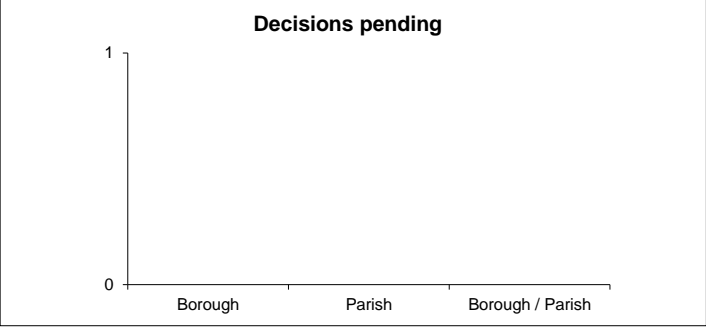
Complaints received in year

Borough	0
Parish	0
Borough / Parish	0
Total	0



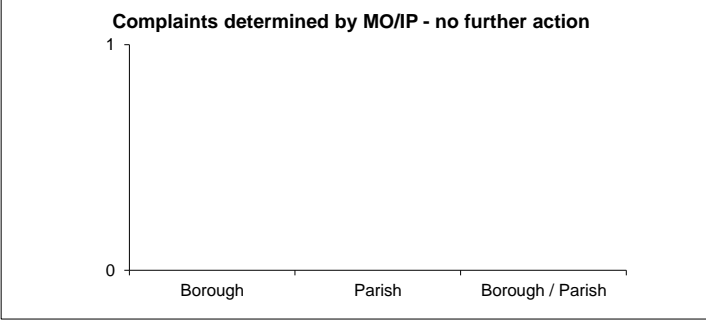
Decisions pending

Borough	0
Parish	0
Borough / Parish	0
Total	0

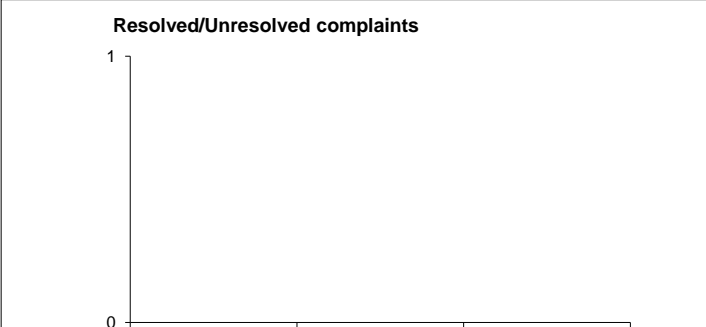


Monitoring officer in consultation with IP - complaint does not merit further action

Borough	0
Parish	0
Borough / Parish	0
Total	0



Complaints	0
Resolved	0
Unresolved	0
Withdrawn	0





**STANDARDS COMMITTEE
21 SEPTEMBER 2021**

Report of: Legal and Democratic Services Manager

**Contact for further information: Miss K Breakell (Extn. 3315)
(E-mail: kirsty.breakell@westlancs.gov.uk)**

SUBJECT: STANDARDS COMMITTEE ANNUAL REPORT 2020/21

Wards affected: Borough wide.

1.0 PURPOSE OF THE REPORT

1.1 To present the Standards Committee Annual Report 2020/21.

2.0 RECOMMENDATION

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

3.0 BACKGROUND

3.1 The Standards Committee Annual Report is attached as an Appendix and provides details of the work undertaken by the Committee during 2020/21. The report demonstrates the effective arrangements in place.

4.0 SUSTAINABILITY IMPLICATIONS

4.1 There are no significant sustainability impacts associated with the report and in particular, no significant impact on crime and disorder.

5.0 FINANCIAL AND RESOURCE IMPLICATIONS

5.1 There are no significant resource implications arising from this report.

6.0 RISK ASSESSMENT

6.1 There are no risks to the Council's business objectives associated with the Annual Report.

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 and / or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

Appendix Standards Committee Annual Report 2020/21



STANDARDS COMMITTEE ANNUAL REPORT 2020/21

1.0 INTRODUCTION

The Council has a statutory duty to promote and maintain high standards of conduct and have in place arrangements to deal with standards issues and case-work. On 19 June 2012 Council considered proposals in relation to the introduction of a new Standards regime as required by the Act and agreed the establishment of a Standards Committee from 1 July 2012.

The main role of the Standards Committee is to promote and maintain high standards of conduct throughout the authority and create a sense of 'ethical well-being'. The Standards Committee and the Monitoring Officer are at the heart of the standards framework. They promote, educate and support Councillors and Co-opted Members within West Lancashire in following the highest standards of conduct.

1.1 Role and Function of the Standards Committee

The Standards Committee has the following roles and functions:

- (a) promoting and maintaining high standards of conduct by councillors and co-opted members and operating the "Standards regime – arrangements" as appropriate;
- (b) assisting Councillors and co-opted members to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation and effectiveness of the Members' Code of Conduct;
- (e) advising, training or arranging to train Councillors and co-opted members on matters relating to the Members' Code of Conduct;

- (f) granting dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) dealing with any reports from the monitoring officer on any matter which is referred to the monitoring officer;
- (h) setting up procedures for the initial assessment of alleged breaches of the Codes of Conduct for Members;
- (i) setting up procedures for the investigation of and subsequent report on, alleged breaches of the Codes of Conduct for Members;
- (j) the exercise of (a) to (i) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils;
- (k) advising the Council on the adoption and subsequent review of a Code of Conduct for officers;
- (l) advising, training or arranging to train officers on matters relating to the Code of Conduct for officers;
- (m) advising the Council on the adoption and subsequent review of the Council's Whistleblowing Code;

1.2 Membership

In 2021/22 six members were appointed to the Committee. The Chairman and Vice-Chairman are appointed at Council and, respectively, are the Leader of the Council and Leader of the main Opposition Group. At least three elected members of the Standards Committee must be present at its meetings to be quorate. Substitute members may be nominated in exceptional circumstances and if the nominated substitute has been appropriately trained.

At annual Council on 15 May 2019 it was resolved to appoint 2 Parish Council representatives to serve on the Standards Committee. The procedure for the nomination and appointment of those representatives was agreed at the Standards Committee on 17 September 2019 and provided for Parish/Town Councils to submit nominations and subsequently vote on the nominees. The deadline for receipt of votes was 22 January 2020 and Parish Councillors Linda Webster and Justin Stopford have been nominated as Parish/Town representatives on the Standards Committee.

1.3 Independent Person and Reserve Independent Person

The Localism Act 2011 introduced a requirement to appoint an 'Independent Person' (IP). Following a recruitment process during May/June 2012 an IP

and a 'Reserve Independent Person' (RIP) were appointed effective from 1 July 2012. The status of the RIP changed in March 2021, with a new IP Protocol, meaning both IP's now have equal standing, rather than have a first choice and reserve. The role of the IP is to be consulted on alleged breaches of the Code of Conduct

The IP is not a member of the Standards Committee, but is invited to the meetings and they regularly attended.

2.0 WORK OF THE COMMITTEE 2020/21 – OVERVIEW

The Committee's main responsibility is to promote and maintain high standards of conduct for Councillors within West Lancashire. It does this through providing training and support and following a proactive Work Programme.

2.1 Standards Committee – Arrangements

As a result of the implementation of duties under the Localism Act 2011, from the 1 July 2012 the Council set out its arrangements for dealing with complaints of misconduct and the actions which may be taken against a member who is found to have failed to comply with the relevant Code of Conduct. Also, the Council delegated appropriate powers to the Standards Committee and to the Monitoring Officer. The functions of the Standards Committee are set out in Article 9 of the Council's Constitution.

The Legal and Democratic Services Manager is the Monitoring Officer (MO) and duly appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct. The detailed arrangements for handling complaints are set out in the (Procedure for the Assessment of Written Complaints of Breach of the West Lancashire Borough Council and Parish Council Members' Code of Conduct) document published on the Council's website. The MO provides regular updates to the Standards Committee in respect of the number and nature of complaints received.

(a) Decision whether to investigate a complaint

Under delegated authority, from 1 July 2012 the initial decision on whether a complaint requires formal investigation, is determined by the Monitoring Officer (MO), subject to consultation with the Independent Person (IP) as is the ability to refer particular complaints to the Standards Committee (Assessment Sub-Committee) where the MO feels that it would be inappropriate for him to take a decision on the complaint, if there were particular sensitivities.

The adoption of these arrangements provides an opportunity for the MO to seek to resolve a complaint informally before taking a decision on whether the complaint merits formal investigation.

During 2020/21 no complaints were received.

(b) “No Breach of Code” finding on investigation

The arrangements also provide that where a formal investigation finds no evidence of failure to comply with the Code of Conduct, the MO be asked to close the matter, providing a copy of the report and findings of the investigation to the complainant and to the member concerned, and to the Independent Person. The findings would also be reported to the Standards Committee for information.

The procedure was not carried out during 2020/21.

(c) “Breach of Code” finding on investigation

The arrangements also provide that where a formal investigation finds evidence of a failure to comply with the Code of Conduct, the MO, in consultation with the IP, has been authorised to seek local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to the Standards Committee. Where such a local resolution is not possible the MO can report the investigation findings to a Hearings Sub-Committee of the Standards Committee for local hearing.

The procedure was not required during 2020/21.

(d) Action in response to a Hearing Sub-Committee finding of failure to comply with the Code

The Council has also delegated to a Hearings Sub-Committee powers to take decisions in respect of a member who is found on hearing to have failed to comply with the Code of Conduct. Such actions are set down at paragraph 9.04(e) of Article 9.

The Hearings Sub-Committee did not meet during 2020/21.

(e) Appeals

There is no requirement for appeals to be put in place under the new arrangements.

2.2 Sub-Committees – Terms of Reference

- **Assessment Sub-Committee** – ‘To make decisions as to whether to investigate a complaint referred to the Sub-Committee by the Monitoring Officer or to take no further action.’
- **Hearings Sub-Committee** – ‘To hear cases referred to it and decide whether a member has breached the Code of Conduct and, if so, to decide if a sanction should be applied and what form the sanction should take.’

2.3 Training

A training session on the Code of Conduct attended by Borough and Parish Councillors, Standards Committee, IP, Heads of Service and Legal and Member Services Officers was held on 9 July 2019. An updated training pack was also issued to all Councillors and Parish Councillors. Due to Covid restrictions, no training session was provided for in 2020/21.

In-house training is also provided to newly elected Councillors as part of the induction session and to Members to support their role particularly on licensing and planning committees.

2.4 Promoting Standards

The Standards Committee, supported works to promote the role of the Committee and to ensure high ethical standards are promoted within West Lancashire in the following manner:

(a) **The Council’s Website**

A dedicated Standards Committee area of the Council’s website has been provided and this is regularly updated.

(b) **Parish Clerks Meeting**

The Democratic Services Manager attends meetings of this group and advises on the standards regime.

(c) **Local Democracy Week**

Schools are invited to attend the Council Offices to take part in a debate and are given information on the Code of Conduct and Declarations of Interests.

(d) **‘Team West Lancs’ and Press Releases**

Appropriate articles on the work of the Committee are included in the updates issued from time to time and distributed to Officers and for the press as appropriate.

2.5 Proactive Work Undertaken during 2020/21

During 2020/21, under the Chairmanship of Councillor Moran as Leader of the Council and Vice Chairman Councillor D Westley, as Leader of the Conservative Group, supported by the Monitoring Officer, the Committee considered a range of issues including:

- (a) Consideration of complaint statistics.
- (b) An update on the Planning Code of Good Practice.
- (c) National Review of Local Government Ethical Standards
- (d) Parish council representation on standards committee
- (e) Consideration of a revised Code of Conduct with supporting guidance
- (f) Consideration of a revised Whistleblowing Policy,

2.6 Dispensations

No applications for dispensations were considered by the Committee during 2020/21.

3.0 REGISTER OF MEMBERS' DISCLOSABLE PECUNIARY (DPIs) AND NON-PECUNIARY INTERESTS (Non-PIs)

Members are required to complete a notification of DPIs and Non-PIs for inclusion on the Register of Members Disclosable Pecuniary and Non-Pecuniary Interests and are reminded annually of their requirement to ensure that their Register of these interests is up to date. Newly elected members are also advised by letter and at induction, of the 28 day deadline for completing their interests forms.

Copies of notifications by Members or Co-opted Member of DPIs and Non-PIs in the register are published on the Council's website and the register is available for public inspection.

An item is included on every Borough Council, Cabinet, Committee, Working Group and Panel Agendas to remind Members of the importance of declaring interests and a check list is included to assist Members in deciding if they have any declarations.

4.0 THE CONSTITUTION

Sections 16 and 17 of the Council's Constitution contains various Codes and Protocols relevant to the functions of the Committee as follows:

- Borough Council and Parish Councils Members' Code of Conduct

- Protocol on Member/Officer Relations
- Planning Code of Good Practice
- Protocol on the use of ICT by Members
- Independent Person Protocol
- Officers' Code of Conduct
- Whistleblowing Code
- Indemnity

Section 3.13A of the Council's Constitution details the Monitoring Officer Protocol.

5.0 PARTNERSHIP GOVERNANCE

Governance arrangements are in place for partnerships that are appropriate for the specific arrangement. For example, there is a framework of contracts governing the Council's relationship with the Leisure Trust / Serco and Lancashire County Council/BT Lancashire Services (BTLs) and a Parish Charter on joint working with Parish Councils.

6.0 THE YEAR AHEAD

To ensure that standards are maintained and promoted the Committee will include in its Work Programme for 21/22 items to:

- Deal with matters or reports from the Monitoring Officer;
- Consider the Annual Monitoring Training Report;
- Consider its Annual Report;
- Consider ad hoc Applications for Dispensation;
- Consider any new / revised Protocols;
- Provide / update information on the dedicated Standards Committee area of the Council's website;
- Provide a Code of Conduct Seminar for Standards Committee Members, Officers, Borough and Parish Councillors and the IP;
- Invite schools during Local Democracy Week to attend the Council Offices to take part in a debate and provide information on the Code of Conduct and Declarations of Interest.

The Committee may also consider, if requested by the MO, alleged breaches of the Code of Conduct referred to it and will note the decisions on alleged breaches determined by the MO in consultation with the IP.

Looking forward we are revising the Members Model Code of Conduct, Whistleblowing Policy and Employee Code of Conduct. We will also continue to assess the developments of the Report into Conduct in Public Life. Despite referring their recommendations to Central Government they are as yet to comment and a lot of the changes will need primary legislation.

In line with the above review the LGA produced a Model Code of Conduct and supporting guidance but a recent LLG survey shows most local authorities are

not inclined to adopt the Code but are either amending their own Codes or partially adopting the Model Code.

7.0 OFFICER SUPPORT

Kay Lovelady, Legal and Democratic Services Manager (Monitoring Officer)
01695 585075 – Email Kay.Lovelady@westlancs.gov.uk

Claire Kelly, Principal Solicitor (Deputy Monitoring Officer) 01695 585129 –
Email Claire.Kelly@westlancs.gov.uk

Jacky Denning, Democratic Services Manager
01695 585384 – Email jacky.denning@westlancs.gov.uk

Kirsty Breakell, Member Services Officer
01695 583312 – Email Kirsty.Breakell@westlancs.gov.uk



STANDARDS COMMITTEE:
21 September 2021

AUDIT & GOVERNANCE:
26 October 2021

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)

SUBJECT: REVIEW OF THE WHISTLEBLOWING POLICY

Wards affected: Borough wide.

1.0 PURPOSE OF THE REPORT

1.1 To seek approval of the revised Whistleblowing Policy following which the Code shall be subject to public consultation before final approval at full Council.

2.0 RECOMMENDATIONS TO STANDARDS COMMITTEE

2.1 That the draft Whistleblowing Policy be agreed

2.2 That the revised draft Whistleblowing Policy be subject to a public consultation

2.3 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 & Governance Committee and any responses from the consultation exercise (as outlined at paragraph 6 below) prior to the revised Whistleblowing Policy being reviewed at full Council on the 15 December 2021

3.0 RECOMMENDATIONS TO AUDIT & GOVERNANCE COMMITTEE

3.1 That the draft Whistleblowing Policy be agreed

3.2 That the revised draft Whistleblowing Policy be subject to a public consultation

3.3 That the Legal & Democratic Services Manager and Monitoring Officer be given delegated authority to amend the draft Whistleblowing Policy having considered

any comments received as a result of the said consultation exercise (as outlined at paragraph 6 below) prior to the revised Whistleblowing Policy being reviewed at full Council on the 15 December 2021

4.0 BACKGROUND

4.1 As part of the Corporate Governance Audit Review 2020/21, it was identified that there was a need to review the Whistleblowing Code

4.2 The Whistleblowing Code had not been reviewed in detail for some time. The Auditor had undertaken a review of the Code using the National Audit Office (NAO) Assessment Criteria for Whistleblowing Policies. The Auditor also reviewed the code in line with the Public Interest Disclosure Act (PIDA) requirements and the Department for Business, Innovation and Skills Whistleblowing Guidance for Employers and Code of Practice.

4.3 A copy of the existing Whistleblowing Policy can be found at Appendix 1

4.4 The main aim of the Review was to ensure that the Whistleblowing Code was fit for purpose when assessed against the NAO criteria. The current Whistleblowing Code was assessed as not meeting all the necessary requirements as set out in the NAO assessment tool.

4.5 The following recommendations were therefore made:

- The current Whistleblowing Code should become a Policy document and be refreshed taking into consideration the requirements of the National Audit Office criteria and meet the needs of the Public Interest Disclosure Act (PIDA) and Department for Business, Innovation and Skills Whistleblowing Guidance for Employers and Code of Practice.
- A contents page should be added to give structure and allow the reader to easily navigate the document
- The new Whistleblowing Policy should explain the Public Interest Disclosure Act (PIDA) 1998 and its purpose. The Policy must be clear about who has protection under the PIDA.
- The new Whistleblowing Policy should clearly explain what constitutes a disclosure under PIDA and include examples of what a disclosure could be.
- The new Whistleblowing Policy should make it clear that disclosures can be reported to prescribed regulators as recommended by the Government. A link/list should be included within the Whistleblowing Policy.
- The New Whistleblowing Policy should include procedures for contractors, Council Members and members of the public to Whistleblow. There should be clear distinctions made between what constitutes a Whistleblow as opposed to a complaint, Freedom of Information Request or Subject Access Request

- The section for raising a concern and how the Council will respond needs to be reviewed and updated to ensure that a logical sequence is followed
- There should be standard documents/forms available for completion by the Whistleblower that captures all the required information for any investigation to commence.
- There should be guidance notes for named contacts on how to manage and deal with the concern raised to ensure a consistent approach.
- A suite of standard forms should be devised and made available to the named contact officers in the new Whistleblowing Policy and any appointed Investigating Officer to ensure that all the relevant information is captured, and a consistent approach is used
- When the Whistleblowing Policy is produced and approved the Council's Intranet and Internet web page must be updated with links to the latest version.
- The new Whistleblowing Policy must be promoted on the intranet and internet as part of our website and should be available on the search facility a-z under 'w'.
- There should be an online form to allow a whistleblower to raise a concern via the online facility.
- In line with National Audit Office best practice, consideration should be given to adding a flow chart or diagram to the policy show how the process will work
- The new Whistleblowing Policy should be mandatory reading all staff and for any new starter as part of the Induction Process. Additionally, there should be evidence that the Policy has been read
- Mandatory training should be developed and undertaken by designated contacts named in the new Whistleblowing Policy as well as all Senior Managers so that Whistleblowing requirements can be reported and investigated appropriately and consistently.
- A register is maintained, in accordance with the Department for Business, Innovation and Skills Whistleblowing Guidance for Employers and Code of Practice documents, of any subsequent whistleblows.
- A case record is held that holds the detail of the whistleblow, the investigation and outcome and these are stored in a secure system.
- Whistleblowing is added to the Terms of Reference for Audit & Governance Committee as a regular agenda item to show that the Council promotes Whistleblowing and has a robust and transparent process in place.

5.0 CURRENT POSITION

- 5.1 A full review has been undertaken on the Whistleblowing Policy in accordance with the above recommendations. Consideration has been given to Policies in place at other organisations.
- 5.2 A new draft policy has been created and is attached at Appendix 2. This policy incorporates all the recommendations from the Audit Review.

- 5.3 In order to ensure the highest standards of clear and transparent Governance it has been decided that any issues arising from a Whistleblowing complaint should be considered jointly between the Monitoring Officer (MO) and Internal Audit Manager (IAM). This will ensure that there are cross cutting checks and balances across the organisation and gives a higher level of assurance than recommended by the review.
- 5.4 The draft policy has been created in consultation with the IAM and a proposed agreed course of action to implement the other recommendations is in place. This will continue to be reviewed in light of any consultation responses and will be reported to full Council prior to any final approval.

6.0 TIMETABLE FOR CONSIDERATION OF THE WHISTLEBLOWING POLICY

- 6.1 A "consultation draft" of the draft policy will be considered by Standards Committee at this meeting.
- 6.2 To ensure good governance the draft policy will also be considered by Audit & Governance Committee on the 26th October 2021.
- 6.3 The draft policy would then be the subject of a consultation exercise with employees, Members, members of the public and other stakeholders (including trade unions) during October/November 2021 prior to consideration of responses received and formal adoption of the Code by Council at its December 2021 meeting.

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 governance including protection measures for those that submit whistleblowing reports promotes health (in particular mental health) and wellbeing within West Lancashire. This report provides an update on actions taken in consideration of the Corporate Governance Audit Review 2020/21 to help to ensure that the Whistleblowing Code was fit for purpose when assessed against the NAO criteria and to demonstrate clear and transparent governance across the authority.

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 – Current Whistleblowing Policy

Appendix 2 –West Lancashire Borough Council revised Whistleblowing Policy.

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Whistleblowing Policy

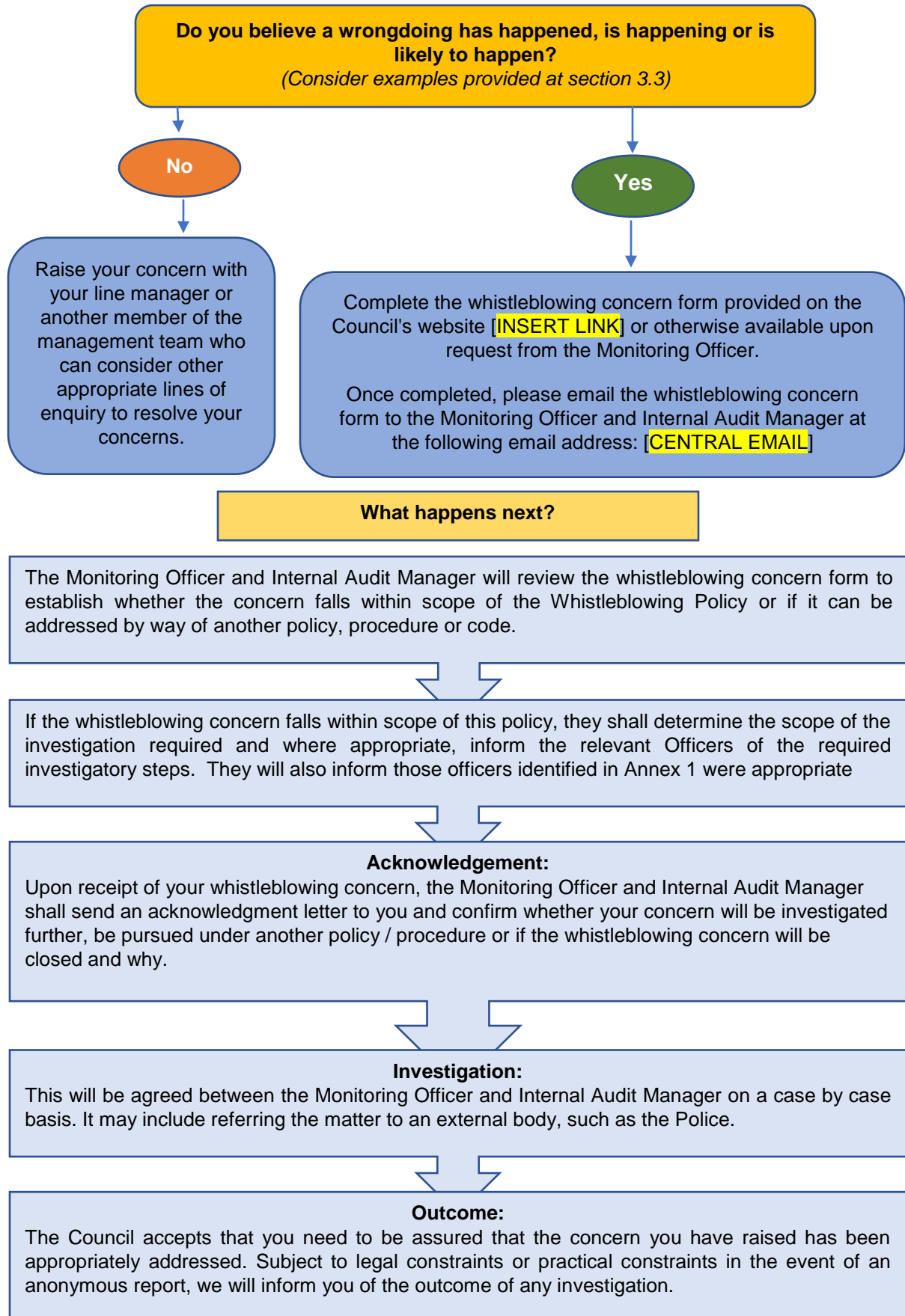
Dated: [INSERT]

Next review date: [INSERT]

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Whistleblowing Flowchart



1. About this policy – aims, scope and purpose

Why is this policy important?

- 1.1 West Lancashire Borough Council (the "Council") is committed to the highest possible standards of openness, probity and accountability and values its staff as the eyes and ears of the organisation to operate in line with this commitment.
- 1.2 Despite all best intentions, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur.
- 1.3 The Council is committed to creating a culture where staff and others working with the Council, feel safe to speak up knowing that their concerns will be listened to and acted upon without the need to take matters outside of the organisation. Please refer to section 11 for information relating to the protection and support available to an individual who raises a whistleblowing concern.
- 1.4 The policy has been written with regard to the Public Interest Disclosure Act 1998 and follows the Department for Business, Energy and Industrial Strategy – Whistleblowing Guidance for Employers and Code of Practice (March 2015).

Who does this policy apply to?

- 1.5 This policy applies to anybody working for, with or on behalf of the Council. This includes, but is not limited to, employees (including those designated as casual, temporary, authorised volunteers or individuals gaining work experience), elected Members and those contractually working for the Council on its premises. It also covers suppliers and those providing services under a partnership arrangement with the Council. Members of the public are also encouraged to report their concerns via this policy.

When should this policy be used?

- 1.6 The aims of this policy are:
 - (a) To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
 - (b) To provide staff with guidance as to how to raise those concerns.

- (c) To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.
 - (d) To encourage staff to feel confident in raising serious concerns and to question and act upon those concerns.
 - (e) To advise and remind staff that the detrimental treatment of colleagues who blow the whistle may be considered a disciplinary matter.
- 1.7 This policy is in addition to the Council's complaints procedures and other statutory reporting procedures applying to some services.
- 1.8 This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases you should use the applicable grievance procedure, which is separate to this policy.
- 1.9 If your concern relates to safeguarding, Code of Conduct and/or Standards matters, Complaints Policy, Ombudsman complaints, RIPA or data sharing please refer to those specific policies and / or codes for information regarding the process to follow to raise your concerns.
- 1.10 This policy has been implemented following consultation with the Trade Union.
- 1.11 This policy does not form part of any employee's contract of employment and we may amend it from time to time.

2. Personnel responsible for this policy

- 2.1 The Monitoring Officer has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy. In addition, the Monitoring Officer has day-to-day operational responsibility and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.
- 2.2 To ensure the highest level of governance, the Monitoring Officer will consider all whistleblowing concerns raised in conjunction with the Internal Audit Manager. The Monitoring Officer will consult the Internal Audit Manager regarding any potential changes to this policy.
- 2.3 The Monitoring Officer, in conjunction with the Internal Audit Manager, should review this policy from a legal and operational perspective at least once a year. This policy shall also be reported to the Audit and Governance Committee and the Standards Committee at least once a year.

3. What is whistleblowing?

- 3.1 Whistleblowing is a term used when a person raises a genuine concern about a suspected wrongdoing or danger (a **whistleblower**). Examples of whistleblowing activity are provided at paragraph 3.3.
- 3.2 If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the Council's activities (a **whistleblowing concern**) and you reasonably believe that by reporting it ***you are acting in the public interest***, you should report it under this policy. Personal grievances and complaints are not covered by whistleblowing law.
- 3.3 Examples of activity that can amount to whistleblowing include:
- (a) Conduct which is an offence or breach of law;
 - (b) Failure to comply with a legal obligation;
 - (c) Disclosures related to miscarriages of justice;
 - (d) Unlawful discrimination on the grounds of sex, race, disability, religion, sexual orientation or age;
 - (e) Health and safety risks, including risks to the public as well as other staff;
 - (f) Damage to the environment;
 - (g) The unauthorised use of public funds;
 - (h) Possible fraud, bribery or corruption including but not limited to theft of property, financial irregularities, misuse of Council property and systems, conflicts of interest or supplier rewards;
 - (i) Sexual or physical abuse of another member of staff or service user;
 - (j) Failure to observe the Council's constitution (including the Council's Contract and Financial Procedure Rules);
 - (k) Breach of the Employee Code of Conduct or Member Code of Conduct;
 - (l) Something which could damage the Council's reputation or image;
 - (m) Policies, procedure or practices not being followed;
 - (n) A culture of inappropriate behaviour, including bullying or intimidation.
- 3.4 If you are uncertain whether your concern amounts to a whistleblowing concern, you should seek advice from the Monitoring Officer on the details below or alternatively, you may seek advice externally from Protect the independent whistleblowing charity, who offer a confidential helpline. Protect's contact details can be found at **Annex 1**.

CONTACT DETAILS:

Monitoring Officer: Kay Lovelady

Email: kay.lovelady@westlancs.gov.uk

Telephone: 01695 585075

4. Safeguards

- 4.1 It is recognised that the decision to report a whistleblowing concern can be an intimidating and difficult decision to make. This policy is intended to encourage serious concerns to be raised within the Council, rather than overlooking a concern or initiating an external whistleblowing. The following safeguards or principles shall be applied in all cases.

Harassment and Victimisation

- 4.2 The Council have a zero-tolerance approach to any harassment or victimisation of a whistleblower that raises a genuine whistleblowing concern which is in the public interest. Any member of staff who harasses or victimises a whistleblower or deters an individual from whistleblowing may be subject to disciplinary action.
- 4.3 Heads of Service and managers should monitor how a whistleblower is subsequently treated after raising a whistleblowing concern. They should ensure that a whistleblower is treated fairly and that any harassment or victimisation is dealt with under disciplinary arrangements.
- 4.4 If you believe that you have been victimised as a result of making a disclosure or blowing the whistle, you should report your concerns to the Human Resources and Organisational Development Manager and the Monitoring Officer.

Protected disclosures

- 4.5 The Public Interest Disclosure Act 1998 (as amended by the Enterprise and Regulatory Reform Act 2013) (hereinafter referred to as "PIDA") applies to this policy. PIDA provides legal protection against detrimental treatment or dismissal for employees who raise concerns in the public interest about a danger, risk, malpractice or wrongdoing. It is often referred to as the whistleblowing law and is designed to encourage and enable employees to "speak out".
- 4.6 The PIDA legislation legally protects employees (including temporary workers and agency staff), from any detriment from their employer or colleagues that arises as a

result of making a protected disclosure in the public interest. This includes protection from harassment, victimisation or dismissal by their employer.

- 4.7 The PIDA only covers protected disclosures under six categories, which are:
- (a) A criminal offence;
 - (b) The breach of legal obligation;
 - (c) A miscarriage of justice;
 - (d) A danger to the health and safety of any individual;
 - (e) Damage to the environment;
 - (f) Deliberate attempt to conceal any of the above.
- 4.8 A disclosure of information will not qualify for protection if the person making the disclosure commits an offence by making it.
- 4.9 Whilst protection under the PIDA covers most workers, it does not include contractors, non-executive directors, volunteers or the self-employed. As far as possible, the Council will endeavour to apply the principles outlined within this policy to all whistleblowing concerns received from sources other than employees.
- 4.10 If you believe you are or have suffered a detriment, victimisation or harassment as a result of raising a whistleblowing concern, this should be reported to one of the following:
- (a) Human Resources and Organisational Development Manager;
 - (b) Internal Audit Manager;
 - (c) Monitoring Officer.

Contact details for the above listed Officers can be located at **Annex 1** of this policy.

Confidentiality and anonymous allegations

- 4.11 We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.
- 4.12 We do not encourage staff to make disclosures anonymously, however where an individual chooses to report their concerns anonymously, such anonymity shall be respected. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Concerns raised anonymously will be considered at our discretion.

- 4.13 In exercising discretion, factors taken into account include:
- (a) The seriousness of the issue raised;
 - (b) The credibility of the concern; and
 - (c) The likelihood that the allegation can be confirmed from other attributable sources.

- 4.14 Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Monitoring Officer or one of the other contact points listed in **Error! Bookmark not defined.**4.10 and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at **Annex 1**.

Malicious, vexatious or untrue allegations

- 4.15 If an allegation is made which you believe to be in the public interest but it is not confirmed by the outcome of the investigation, no action will be taken against you. Malicious or vexatious allegations include those which are trivial and do not have any substance and are made persistently with the wrong intentions, for example, to cause trouble or from a place of self-interest or personal gain.

- 4.16 In the event of an allegation which is made maliciously or for personal gain and you are an employee of the Council, disciplinary action may be taken against you. If you are an elected Member, you may be in breach of the Members Code of Conduct and contractors or partners may be in breach of your contractual responsibilities to the Council.

Misuse of policy

- 4.17 This policy is designed to promote and encourage reporting genuine concerns. The policy is not designed to allow:
- (a) Individuals who have acted inappropriately to escape punishment by highlighting any malpractices they were involved in;
 - (b) Employment protection in relation to a redundancy situation or pre-existing disciplinary issues as a result of reporting a wrongdoing;
 - (c) An individual to raise a concern for some private motive and not to prevent or correct the wrongdoing.

5. How to raise a whistleblowing concern or make a disclosure

- 5.1 The procedure for raising a concern, whether that be an employee of the Council, elected Member, member of the public or third party, is specified within this section 5. A flow diagram has been included at the beginning of this policy as an easy reference point.
- 5.2 In raising a whistleblowing concern, you should be prepared to provide the following information:
- (a) The background and history of the concern (including relevant dates);
 - (b) The reason why you are particularly concerned about the situation; and
 - (c) The name(s) of any individuals who you consider are either directly involved or can help provide further information.
- 5.3 Reporting a whistleblowing concern is not conditional upon you being able to provide evidence. Your whistleblowing concern will still be reviewed in accordance with this policy.
- 5.4 All whistleblowers, whether that be Council staff, Members, members of the public or third parties (such as suppliers and contractors) are asked to complete the Council's whistleblowing form which can be located [HERE]. An example of the form is attached at **Annex 2**. The Council ask that the whistleblowing form is completed as this ensures that your concerns are accurately and clearly reported.
- 5.5 In the event you are unable to access the whistleblowing form online, a hardcopy can be obtained directly from the Monitoring Officer or Internal Audit Manager. The whistleblowing form must be completed and sent via email to the central whistleblowing inbox: [INSERT]
- 5.6 If you are unable to send the completed whistleblowing form to the central whistleblowing inbox, you can send a hardcopy of the form marked for the attention of the Monitoring Officer to the postal address listed at **Annex 1**.The Council encourages you to submit the whistleblowing form via email to the central whistleblowing inbox rather than posting a hardcopy of the form as this promotes data security and confidentiality.
- 5.7 If you are a member of Council staff, you may inform your manager verbally (if appropriate) of a whistleblowing concern in the first instance should you require support completing the whistleblowing form., However, all whistleblowing concerns raised in accordance with this policy must be reported directly to the dedicated whistleblowing

email address, which is monitored by both the Monitoring Officer and Internal Audit Manager. If it is not appropriate for you to report the whistleblowing concern to this email address, you should contact an alternative Officer listed at **Annex 1** or a third party listed at **Annex 1**.

- 5.8 Officers receiving whistleblowing concerns or assisting and / or supporting a person raising a whistleblowing concern must follow the obligation of confidentiality and reporting procedures in accordance with paragraph 6.9.
- 5.9 If you feel that you cannot report your concerns within the Council, contacts external to the Council are provided under **Annex 1** of this policy.
- 5.10 Additional information about the PIDA can be obtained from the whistleblowing charity Protect, which contributed to the formulation of the PIDA and is a legal advice centre. You can find their details under **Annex 1**.

6. Whistleblowing report form submitted – what happens next?

Acknowledgement:

- 6.1 Once a concern has been reported to the central whistleblowing inbox, the Monitoring Officer and Internal Audit Manager will receive your whistleblowing concern directly. The Monitoring Officer and Internal Audit Manager will review the initial information you have provided and determine whether it is appropriate to address the matter under this policy and delegate, where appropriate, to the relevant Officer(s) to undertake a full investigation if required.
- 6.2 The Monitoring Officer, Internal Audit Manager and / or the appropriate officer handling your disclosure shall complete the whistleblowing case record, provided under **Annex 2**. All completed case records shall be provided to the Monitoring Officer for secure storage and in accordance with document retention and data security requirements.
- 6.3 Some concerns reported may be resolved by way of an agreed action and may not require a full investigation. In the event urgent action is required, this will be acted upon and will not be dependent upon the conclusion of an investigation.
- 6.4 Once you have reported a concern, your involvement with the investigation will depend upon the nature of the concerns raised and the clarity of the information provided as part of your report. If necessary, you may be required to provide further information as part of the investigation. You may invite your trade union, professional association representative or a friend to be present. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

- 6.5 Once the whistleblowing form has been received via the central whistleblowing inbox, the Monitoring Officer shall record receipt of the report and its contents on a central log maintained by the Monitoring Officer.
- 6.6 Upon receipt of a whistleblowing report, the Monitoring Officer, Internal Audit Manager or an appropriate alternative Officer will acknowledge receipt of your concerns within 10 working days of the date the report was received and you will receive a written response:
- (a) Acknowledging that the concern has been received and recorded;
 - (b) Identifying the key officers involved in investigating your concern and your point of contact;
 - (c) Requesting further clarifications relating to the concern reported, if any;
 - (d) Supplying you with information on staff support mechanisms;
 - (e) If no action is planned, why not.
- 6.7 Where appropriate, matters raised may:
- (a) Be investigated by management or internal audit;
 - (b) Be referred to the Police or other statutory agencies;
 - (c) Be referred to an external auditor.
- 6.8 We will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.
- 6.9 All allegations will be handled confidentially and discreetly by those managers who are directly involved in the investigation process. The ongoing point of contact for the whistleblower will be given in the acknowledgement letter.

Investigation:

- 6.10 The specifics of an investigation will be discussed and agreed on a case by case basis by the Monitoring Officer, Internal Audit Manager and other relevant parties where appropriate. Some whistleblowing concerns may be investigated internally, whilst other whistleblowing concerns may be outsourced to another body, such as the Police or external auditors.

Outcome:

- 6.11 The Council accepts that you need to be assured that the concern you have raised has been appropriately addressed. Subject to legal constraints or practical constraints in the event of an anonymous report, we will inform you of the outcome of any investigation.
- 6.12 If we conclude that a whistleblower has made false allegations maliciously, the whistleblower will be subject to disciplinary action.

7. If you are not satisfied

- 7.1 While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy you can help us to achieve this.
- 7.2 If you do not believe your concern was handled in accordance with this policy, you can raise your concerns with the Chief Operating Officer. Alternatively you may contact our external auditors. Contact details are set out at **Annex 1**.
- 7.3 If you are dissatisfied with the outcome of the investigation and do not agree with the conclusion of the investigation, you can raise your concerns with the independent charity Protect, on the following details:

Protect (Independent Charity)

Helpline: 0203 117 2520

Website: <https://protect-advice.org.uk/>

8. External disclosures

- 8.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally but we recognise that in some circumstances you may feel the need to report to an external body, such as a regulator.
- 8.2 The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are provided under **Annex 1**.
- 8.3 Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a supplier or service provider. In some circumstances the law will protect you if you raise the matter with the third party

directly. However, we encourage you to report such concerns internally first by following the procedures set out at section 5.

9. Monitoring of whistleblowing concerns

- 9.1 The Monitoring Officer will maintain a central record of all whistleblowing concerns made under this policy and both the Monitoring Officer and Internal Audit Manager will monitor the outcome of these cases.
- 9.2 A report on the number of whistleblowing reports received and the reporting process shall be presented to senior management and the Audit and Governance Committee on an annual basis.
- 9.3 The Monitoring Officer and Internal Audit Manager retain responsibility for monitoring the effectiveness of the Council's whistleblowing policy and process.

10. Training and awareness

- 10.1 Chief Officers, Heads of Service and managers are responsible for ensuring that their employees are aware of this policy and process and that any training needs are addressed which may arise from the application of this policy. Raising awareness of this policy should form part of the induction training for all employees and should be addressed as refresher training for all employees.
- 10.2 You have a responsibility to ensure that you are aware of and understand the Council's policy in relation to whistleblowing.

11. Protection and support for whistleblowers

- 11.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 11.2 Whistleblowers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Monitoring Officer and the Human Resources and Organisational Development Manager immediately. If the matter is not remedied you should raise it formally using the Council's grievance procedure which can be located via the Council's website or by contacting the Human Resources and Organisational Development Manager.
- 11.3 You must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct you may be subject to disciplinary action.

11.4 A confidential support and counselling hotline is available to whistleblowers who raise concerns under this policy. Their contact details are set out at the end of this policy.

ANNEX 1 – Key contacts

WLBC's Contact Details	
Whistleblowing Inbox	[INSERT EMAIL] Governed by the Monitoring Officer and the Internal Audit Manager.
Monitoring Officer / Legal and Democratic Services Manager	Kay Lovelady [TELEPHONE] kay.lovelady@westlancs.gov.uk
Deputy Monitoring Officer	Claire Kelly [TELEPHONE] claire.kelly@westlancs.gov.uk
Chief Operating Officer	Jacqui Sinnott-Lacey 01695 585200 jacqui.sinnott-lacey@westlancs.gov.uk
Head of Finance, Procurement and Property	James Pierce [TELEPHONE] james.pierce@westlancs.gov.uk
Internal Audit Manager	Jacqueline Pendleton [TELEPHONE] jacqueline.pendleton@westlancs.gov.uk
Human Resources and Organisational Development Manager	Sharon Lewis 01695 585 027 sharon.lewis@westlancs.gov.uk
External Organisation Contact Details	
External auditors	Grant Thornton UK LLP 0161 952 6900 [E-MAIL]
Confidential counselling hotline <i>(Available to Council staff only)</i>	Further information can be located <u>here</u> .

Protect (Independent whistleblowing charity)	Helpline: 0203 117 2520 Website: https://protect-advice.org.uk/
Information Commissioner Office (ICO)	Helpline: 0303 123 1113 Website: https://ico.org.uk/
Local Government and Social Care Ombudsman	Helpline: 0300 061 0614 Website: https://www.lgo.org.uk/

Annex 2 – Whistleblowing forms

1. Whistleblowing form – to be completed by whistleblower

To be completed by individual reporting concern	
Who is the allegation against?	
What is the allegation? <i>Please provide as much detail as possible, including where possible:</i> <ul style="list-style-type: none">• The background and history of the concern (including relevant dates);• The reason why you are particularly concerned about the situation; and• The name(s) of any individuals who you consider are either directly involved or can help provide further information.	
Where is this happening and is it still happening?	
What evidence can you provide to support this?	
Please upload / provide any evidence you may have.	

Have you reported this previously?	
If you have reported this previously, who and when did you report it?	
Any further information?	
Do you wish to remain anonymous?	
If you would like an email receipt of your reported concern, please enter your email address.	

2. Whistleblowing case record – To be completed by officers receiving the whistleblowing concern and investigating

To be completed by Officer receiving concern	
The date the concern / allegation / disclosure was received by the Council.	
Directorate involved:	
How was the report received? <i>(written, verbal, online form)</i>	
Details of who the concerns were raised with? <i>(Name and job role)</i>	
Name and job role of the individual raising a complaint / allegation. <i>(Unless anonymity was requested).</i>	
Was confidentiality requested / explained or promised?	
A summary of the concern / allegation raised:	
Details of any feedback given and any response from the employee.	

Matter reported to the Monitoring Officer (yes / no): Date referred:	
Who else has this concern been reported / flagged to?	
Has formal acknowledgement been provided to the individual in line with the policy?	
Officers handling the investigation:	
Summary outcome of investigation (proved / not proved / action plans and recommendations):	
Date notification of outcome given to individual:	
Papers retained (and the location of the papers), review date of this concern.	

Whistleblowing Code

1.0 What is Whistleblowing?

- 1.1 Whistleblowing encourages and enables employees to raise serious concerns **within** the Council rather than overlooking a problem, turning a blind eye or voicing concerns outside. It is a Safe Alternative to Silence.
- 1.2 Without a Whistleblowing avenue, there is increased risk that the Council could be defrauded, damaged or sued. It can also lead to a demoralised workforce who feel unable to express concerns.
- 1.3 Whistleblowing supports good governance, accountability and the Council's risk control framework. It is a valuable contribution to the Council's efficiency and long term success.

2.0 Purpose of the Code

- 2.1 West Lancashire Borough Council not only accepts, but positively encourages, whistleblowing.
- 2.2 Employees are often the first to realise that there may be something seriously wrong within the Council. They have an important role in helping the Council to promote good practice while providing a service to the Community and protecting its residents.
- 2.3 However, they may not express their concern because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear unfair treatment or discrimination. In those circumstances it may be easier to ignore the concern, rather than report what may just be a suspicion of malpractice.
- 2.4 This code makes it clear that employees can voice their concerns without fear of reprisal or adverse repercussions.

3.0 Our Commitment

- 3.1 West Lancashire Borough Council is committed to the highest possible standards of openness, fairness, probity and accountability. It is against any form of impropriety. In line with that commitment, we encourage employees, and others that we deal with, who have serious concerns about any aspect of the Council's work, to come forward with confidence and voice those concerns. All concerns will be taken seriously, will not be ignored or ridiculed, will be investigated and, where applicable, resolved. It is recognised that certain cases will have to proceed on a confidential basis.
- 3.2 The Council is committed to good practice and high standards and is supportive of its employees.

4.0 Who does the Code apply to?

4.1 The Code applies to all employees, irrespective of seniority, rank or status - including casual, temporary, agency, volunteers or work placements, and all contractors and suppliers engaged by the Council.

5.0 Aims and scope of this Code

5.1 This Code aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
- provide avenues for you to raise those concerns and receive feedback on any action taken;
- help you to take the matter further if you are dissatisfied with the Council's response;
- reassure you that you will be protected from the possibility of reprisals or victimisation if you have a reasonable belief that you have raised your concerns in good faith, believe the allegation to be substantially true and did not act for personal gain or for malicious purposes.

5.2 This code is not for raising grievances concerning your personal employment circumstances or as an appeal against management decisions, unless these involve malpractice and are in the public interest. Procedures to enable you to pursue grievances etc., relating to your employment, are contained in the Council's Grievance Policy.

5.3 This Code supports the Council's Anti-Fraud, Bribery and Corruption Policy and **supplements** but **does not** replace the Council's other Codes and Policies.

5.4 This code has been discussed with the relevant Trade Unions and has their support.

6.0 What types of concerns are covered?

6.1 The code uses the word malpractice. Malpractice includes any kind of improper practice or conduct which falls short of what is reasonably expected, whether it relates to an act or omission and also includes any form of harassment. Failures could be happening now, have occurred in the past or be likely to happen in the future. The overriding concern should be that it would be in the public interest for the malpractice to be corrected. If in doubt, please raise it.

Some examples are (this list is not exhaustive):

- failure to comply with a legal obligation;
- miscarriage of justice;
- breach of Council's Procedure Rules / Financial Regulations or other Council policies;
- Unlawful discrimination against people with protected characteristics.
- breach of Codes of Conduct
- conduct which falls below established standards or is unethical;

- actions which would put at risk the good reputation of the council;
- a criminal offence occurring;
- showing undue favour over a contractual matter or to a job applicant;
- actions which could cause damage to the environment;
- danger to the health and safety of any individual
- possible bribery fraud and corruption
- deliberate covering up of information
- unlawful discrimination on the grounds of sex, race, disability, religion, sexual orientation or age

7.0 Protection and Safeguards against Harassment or Victimisation

- 7.1 This Code is intended to encourage and enable employees to raise serious concerns **within** the Council, rather than overlooking a problem or ‘blowing the whistle’ outside. It provides protection to employees that do so. **If you choose to voice your concerns in some other way, then you may lose the protection the Code provides.**
- 7.2 The Public Interest Disclosure Act 1998 also protects all employees from detrimental treatment or victimisation, if, in the public interest, they blow the whistle provided disclosures are made in accordance with the Act’s provisions
- 7.3 The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. If you honestly believe what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you provide a service. It may help to think of yourself as a witness, rather than a complainant
- 7.4 The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect and support you when you raise a concern in good faith and in the public interest.
- 7.5 If you were subject to reprisals, e.g. denial of training, closer monitoring, ostracism, demotion or re-assignment, from those responsible for the malpractice or any other member of staff, they may be disciplined under the Council’s procedures. Deterring an employee from raising a concern will be considered a serious misdemeanour.
- 7.6 This does not mean, however, if you are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of your whistleblowing.
- 7.7 If you believe you are or have suffered a detriment as a result of raising a concern this should be reported to the Chief Operating Officer, the Legal and Democratic Services Manager, the Head of Finance, Procurement and Property Services, the Internal Audit Manager or the HR Advisor

8.0 Confidentiality

- 8.1 The Council will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. However, it must be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence. Where confidentiality is an issue if it is

possible to establish the truth about allegations from an independent source, the Council will seek to do this.

9.0 Anonymous allegations

9.1 This Code encourages you to put your name to your allegation whenever possible as anonymous allegations are much more difficult to pursue. Concerns expressed anonymously are much less powerful, however, they will be considered at the discretion of the Council. Contact details for the External Auditor are Grant Thornton UK LLP telephone number 0161 952 6900.

9.2 In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

9.3 Clearly, if it is not known who provided the information it is not possible to reassure or protect them.

10.0 Untrue allegations

10.1 If you make an allegation in good faith and in the public interest, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

10.2 Malicious or vexatious allegations include those which are trivial and do not have any substance or are made persistently and annoyingly for the wrong reasons, e.g., simply to make trouble, or purely out of self interest or for personal gain.

11.0 How to raise a concern

11.1 If you are worried that something wrong or dangerous is happening at work, please don't keep it to yourself. Unless you raise your concerns, the chances are we won't find out until it's too late.

11.2 As a first step, you should normally raise concerns with your immediate Manager or their superior and state that you wish to make the disclosure under the provisions of this Code. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved, you should approach the Chief Operating Officer, the Legal and Democratic Services Manager, the Head of Finance, Procurement and Property Services or the Internal Audit Manager.

11.3 You should **not** try to investigate the matter yourself, although you may be expected to assist with any subsequent investigation, and you should not directly approach or accuse individuals you have concerns about.

11.4 The earlier you express the concern, the easier it is to take action. Also, further wrongdoings can be deterred; any damage caused repaired and potential problems 'nipped in the bud' with corrective action before they become endemic or develop into a crisis.

-
- 11.5 Concerns may be raised verbally but are better submitted in writing. You should set out details of the background and history of the concern, giving names, dates and locations, where possible, and the reason why you are particularly concerned about the situation. If you have made notes, you may be asked for copies of these to aid the investigation. If you do not feel able to put your concern in writing, you can telephone or arrange a meeting with the appropriate officer.
- 11.6 When any meeting or interview is arranged in connection with the concern you have raised this may be off site if you prefer. If you wish, you may invite your trade union, professional association representative or a friend to be present.
- 11.7 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern and that you believe it to be substantially true.
- 11.8 Initial and / or informal advice and guidance on how your concern may be pursued can be obtained from:

Interim Chief Operating Officer
Jacqui Sinnott-Lacey
Tel: 585005
Email: Jacqui-Sinnott-Lacey@westlancs.gov.uk

Legal and Democratic Services Manager
Mr M Jones
Tel: 585025
Email: matthew.jones@westlancs.gov.uk

Head of Finance, Procurement and Property
Mr M Taylor
Tel: 585092
Email: marc.taylor@westlancs.gov.uk

Internal Audit Manager
Jacqueline Pendleton
Tel: 712603
Email: Jacqueline.pendleton@westlancs.gov.uk

Human Resources
Ms S Lewis
Tel: 585027
Email: Sharon.lewis@westlancs.gov.uk

- 11.9 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have similar experiences or concerns.

12.0 How the Council will respond

- 12.1 The Council will respond expeditiously to your concerns and any action taken will depend on the nature of the concern.
- 12.2 The matters raised may:
- be investigated internally by management or Internal Audit or through the disciplinary process
 - be referred to the Police
 - be referred to the External Auditor
 - form the subject of an independent inquiry
 - be referred to the Council's Standards Committee (where the complaint involves a councillor)
- 12.3 In order to protect individuals, the Council and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Council will have in mind is the public interest.
- 12.4 Concerns or allegations which fall within the scope of specific procedures (for example discrimination issues), will normally be referred for consideration under those procedures.
- 12.5 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before the investigation.
- 12.6 Within ten working days of a concern being raised, the Council will write to you:
- indicating how it proposes to deal with the matter
 - giving an estimate of how long it will take to provide a final response
 - telling you whether any initial enquiries have been made
 - acknowledging that the concern has been received
 - telling you whether further investigations will take place and if not, why not,
 - supplying you with information on staff support mechanisms
- 12.7 The amount of contact between the Officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.
- 12.8 The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, this will include an assessment of any danger or risk which exists or may arise. Also, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure.

12.9 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will be informed of the progress and outcome of any investigation.

13.0 How the matter can be taken further

13.1 This code is intended to provide you with an avenue **within** the Council to raise concerns. The Council hopes that you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:

- the External Auditor;
- your Trade Union;
- your local Citizens Advice Bureau;
- relevant professional bodies or regulatory organisations;
- a relevant voluntary organisation;
- the Police;
- your Solicitor;
- Public Concern at Work (Tel: 02074046609). This is a registered charity whose services are free and strictly confidential. The charity can also provide advice on the specific provisions and protections detailed in the Public Interest Disclosure Act 1998.

13.2 If you do take the matter outside the Council, you should ensure that you do not disclose confidential information as you may lose protection rights. You are advised to check this with the Legal and Democratic Services Manager.

14.0 The Responsible Officer

14.1 The Legal and Democratic Services Manager as Monitoring Officer, has overall responsibility for the maintenance and operation of this Code. She maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Council. How procedures are working in practice will be continually reviewed to ensure lessons are learned and appropriate action is taken for each concern raised, along with any complaints of victimisations or failures to maintain confidentiality.

15.0 Conclusion

15.1 Existing good practice within the Council, in terms of its systems of internal control, both financial and non-financial, and the external regulatory environment in which the Council operates, ensures that serious cases of suspected impropriety rarely occur.

15.2 This Whistleblowing Code is provided as a reference document to establish a framework within which issues can be raised confidentially internally, and if necessary, outside the management structure of the Council. This document is a public commitment that concerns are taken seriously and is a means of strengthening the organisation's corporate governance arrangements.



STANDARDS COMMITTEE:
21 September 2021

COUNCIL: 13 October 2021

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)

SUBJECT: REVIEW OF THE MEMBERS' CODE OF CONDUCT

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

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 16th 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.
- 5.6 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](#).

Subject	Description
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 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.
Contracts	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>
Land and Property	<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>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<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>
Securities	<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.

Interest	Prescribed description
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.

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.

Interest	Prescribed description
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.

INTERESTS – FLOWCHART

All interests have to be disclosed to the Monitoring Officer within 28 days of becoming a Member or Co-opted Member or becoming aware of the interest

IS MY INTEREST IN THE BUSINESS BEING CONSIDERED A DISCLOSABLE PECUNIARY INTEREST? - See Section 7 for definition

Yes No

Unless a dispensation is granted you
- cannot take part in any discussion
- vote
- or discharge any function related to that matter

You must leave the room whilst the item is being considered

If you have not already done so you must report your DPI to the Monitoring Officer within 28 days

Your interest may still be either a Pecuniary or Non-Pecuniary Interest

Non-Pecuniary Interest

Action

Does the business being considered effect:

- (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.

Action for Non-Pecuniary Interests

- You must disclose that you have a non-pecuniary interest and the nature of that interest at the start of the meeting or as soon as you become aware that one exists
- You do not need to leave the meeting and can continue to discuss, consider the matter and vote
- If you have not already done so you must inform the Monitoring Officer of your interest within 28 days of declaring it at the meeting.

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.

Agenda Item 12

Standards Committee Work Programme – September 2021

(Meetings end March and September, as appropriate)

	Timescale	Comments
Complaints Statistics	September 2021 and March 2022	
Code of Conduct Seminar for Officers, Borough and Parish Councillors	September 2021	
Standards Committee – Annual Report 2019-2020	September 2021	
Annual Monitoring of Training Report	March 2022	Deferred from September 21 due to Covid. Expected training due to be undertaken November 21
Update on Whistleblowing Code	September 2021	
Members Code of Conduct	September 2021	
Officer Code of Conduct	March 2022	
Review of the IP Protocol	March 2022	
Training session for newly elected Councillors	W/C 10 May 2022	
General dispensation to all Councillors	March 2024	
Consideration of ad hoc applications for dispensations	As and when required	On going
Lessons to be learned from reported complaints/monitoring of compliance with the Code	As and when required	On going
New/Revised Protocols	As and when required	On going
Hearings and Investigations	As and when required	On going

Intimidation in Public Life	As and when required	On going
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