

West Lancashire Borough Council - Constitution
Part 5 - Codes and Protocols – Post Consultation Draft Showing Tracked Changes

**WEST LANCASHIRE BOROUGH COUNCIL, AND PARISH AND
TOWN COUNCILS**

MEMBERS' CODE OF CONDUCT

1. You are a Member, ~~or~~ Co-opted Member or and Parish or Town Councillor (where this Code of Conduct (the Code) has been adopted by a Parish or Town Council within the Borough of West Lancashire) 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 and/or Parish or Town Councillor (where applicable).
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, 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 authorityand who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

5. If this Code is adopted by a Parish Council or Town Council within the borough of West Lancashire any reference to "Councillor" and/or "Member" also includes any Parish or Town Councillor.

6. For the purposes of this Code, "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

[7. For the purposes of this code the Monitoring Officer means the person appointed by West Lancashire Borough Council \(the Council\) under section 5 of the Local Government and Housing Act 1989. Contact details can be found on the Council's website.](#)

The Monitoring Officer has three main roles:

- [To report on matters he/she believes are, or are likely to be, illegal or amount to maladministration.](#)
- [To be responsible for matters relating to the conduct of Councillors \(including Parish and Town Councillors where the Code is adopted by a Parish or Town Council within the Borough\) and officers; and](#)
- [To be responsible for the operation of the Council's Constitution.](#)

Purpose of the Code of Conduct

8. The purpose of this 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 [Local Government Association \(LGA\)](#) 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

9. 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 1 below).

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

11. 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.

12. 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

13. This Code 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.

14. This Code 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;

15. 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.

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

17. Your Monitoring Officer has statutory responsibility for the implementation of the Code, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code. Town and Parish councillors are encouraged to initially seek advice from their Clerk, who may refer matters to the Monitoring Officer. **If appropriate, the Monitoring Officer can be contacted directly.**

Part 1 - Standards of Councillor Conduct

1. 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 Obligations under the Code of Conduct

A. Respect

Commented [LK1]: This has been added to reflect the Guidance document for ease of reference.

2. As a councillor:

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

2.2 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.

3. 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.

4. 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.

5. 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 Code, and local authority employees, where concerns should be raised in line with the local authority's councillor officer protocol.

B. Bullying, harassment and discrimination

6. As a councillor:

6.1 I do not bully any person.

6.2 I do not harass any person.

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

7. 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.

8. 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.

9. 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.

10. 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.

C. Impartiality of officers of the council

11. **As a councillor:**

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

12. 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.

D. Confidentiality and access to information

13. **As a councillor:**

13.1 I do not disclose information:

- a. given to me in confidence by anyone
- b. acquired by me which I believe, or ought reasonably to believe-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.

13.2 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.

13.3 I do not prevent anyone from getting information that they are entitled to bylaw.

14. 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.

E. Disrepute

15. As a councillor:

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

16. 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.

17. 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.

F. Misuse of position

18. As a councillor:

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

19. Your position as a Councillor of the local authority/parish or Town council 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.

G. Use of local authority, Town or Parish Council resources and facilities

20. As a councillor:

20.1 I do not misuse council resources.

20.2 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.**

21. 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.

22. 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.

H. Complying with the Code of Conduct

23. **As a Councillor:**

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

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

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

23.4 I comply with any sanction imposed on me following a finding that I have breached the Code.

24. 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.

I. Obligations

25. **As a Councillor:**

25.1 I act in accordance with all legal obligations, alongside any requirements contained within the Council's, Parish Council's or Town Council's policies, protocols and procedures.

25.2 I have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 (as amended)

25.3 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.

25.4 I will give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by [myyour](#) authority.

Protecting your reputation and the reputation of the local authority

J. Interests

26. As a councillor:

26.1 I register and disclose my interests. – See [Part 2Appendix B](#) below

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

28. 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.

29. You should note that failure to register or disclose a disclosable pecuniary interest (see below) is a criminal offence under the Localism Act 2011.

30. [Part 2Appendix B](#) sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer

K. Gifts and hospitality

31. As a councillor:

31.1 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.

31.2 I register [in writing](#) with the Monitoring Officer any gift or hospitality [you have received as a Councillor](#) with an estimated value of at least £100 within 28 days of its receipt.

31.3 I register [in writing](#) with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

32. 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.

33. 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. [The Monitoring Officer will place your notification on a public register of gifts and hospitality](#)

34. 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.

35. [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](#)

Part 2 Appendix B – Registering Interests

1. You must, within 28 days of your election or appointment to office as a Councillor 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 Councillor 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 Sponsorship	Any employment, office, trade, profession or vocation carried on for profit or gain. Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the <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.

10. Declaring interests

10.1 (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.~~

Commented [LK2]: Information already contained in Para 31 above

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 1

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.