

Standards Committee

Monday, 6th September, 2021, 2.00 pm

Shield Room, Civic Centre, West Paddock, Leyland PR25 1DH

This meeting will be held in the COVID secure Civic Centre in accordance with regulations. **All members of the Committee must attend in person.**

[Members of the public will be able to view the first part of the meeting held in public on You Tube here.](#)

Please note mask wearing and social distancing guidelines remain in place at the Civic Centre.

Agenda

1 Apologies for Absence

2 Declarations of Interest

Members are requested to indicate at this stage in the proceedings any items on the agenda in which they intend to declare an interest. Members are reminded that if the interest is a Disclosable Pecuniary Interest (as defined in the Members' Code of Conduct) they must leave the room for the whole of that item. If the interest is not a Disclosable Pecuniary Interest, but is such that a member of the public could reasonably regard it as being so significant that it is likely that it would prejudice their judgment of the public interest (as explained in the Code of Conduct) then they may make representations, but then must leave the meeting for the remainder of the item.

3 Minutes of the Last Meeting

Minutes of the meeting held on 21 January 2020, to be signed as a correct record.

4 Standards Committee Procedure Rules

Please see attached documents for ease of reference during consideration of agenda item 6 below.

5 Exclusion of Press and Public

(Pages 3 - 6)

(Pages 7 - 38)

To consider the exclusion of the press and public for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraphs 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

By virtue of paragraph 1: Information relating to an individual.

6 Standards Hearing - Complaint Against a Councillor

(Pages 39 - 150)

Report of the Director of Governance and Monitoring Officer enclosed.

Gary Hall
Chief Executive

Electronic agendas sent to Members of the Standards Committee

The minutes of this meeting will be available on the internet at www.southribble.gov.uk

Agenda Item 3



MINUTES OF **STANDARDS COMMITTEE**

MEETING DATE **Tuesday, 21 January 2020**

MEMBERS PRESENT: Councillors Carol Wooldridge (Chair), Karen Walton (Vice-Chair), Derek Forrest, Renee Blow and David Suthers

INDEPENDENT PERSON: David Haley

OFFICERS: Dave Whelan (Shared Services Lead - Legal & Deputy Monitoring Officer) and Coral Astbury (Democratic and Member Services Officer)

PUBLIC: 0

5 Apologies for Absence

Apologies were received from Councillors Carol Chisholm and Ken Jones.

6 Declarations of Interest

None.

7 Minutes of meeting Thursday, 21 March 2019 of the Standards Committee

Members were advised that there had been a clerical error on the agenda and that the minutes to be signed off were from the Standards Committee held on Wednesday 3 July 2019.

RESOLVED: (Unanimously)

That the minutes of the Standards Committee held on Wednesday 3 July 2019 to be agreed as a correct record for signing by the Chair.

8 Minutes of meeting Tuesday, 18 June 2019 of Standards Committee Initial Assessment Hearing Panel

Members were advised that the complaint against Councillors A and B was still unresolved. Although an in principle agreement was now in place there was no further progress made.

The Interim Monitoring Officer indicated that formal letters would be sent next week, providing a deadline for the complaint to be resolved and advising that if no progress had been made the complaint would be referred to a hearing of the full Standards Committee.

RESOLVED: (Unanimously)

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That the minutes of the Standards Committee Initial Assessment Hearing Panel held on Tuesday 18 June 2019 to be agreed as a correct record for signing by the Chair.

9 Minutes of meeting Thursday, 1 August 2019 of Standards Committee Initial Assessment Hearing Panel

Members were advised that the complaint had now been resolved with Councillor A reading a pre-agreed apology at Cabinet.

RESOLVED: (Unanimously)

That the minutes of the Standards Committee Initial Assessment Hearing Panel held on Thursday 1 August 2019, be agreed as a correct record for signing by the Chair.

10 Minutes of meeting Thursday, 29 August 2019 of Standards Committee Initial Assessment Hearing Panel

RESOLVED: (Unanimously)

That the minutes of the Standards Committee Initial Assessment Hearing Panel held on Thursday 29 August be agreed as correct record for signing by the Chair.

11 Standards Annual Report

The committee considered a report of the Deputy Monitoring Officer which provided an account of standards and related work carried out within the last twelve months.

The Deputy Monitoring Officer explained that in 2017/18 the Standards Committee had undertaken a lot of the policy and guidance work, leaving the Committee in a strong position.

On the 21 March 2018 full Council adopted the Member and Officer protocol, with all members signing up to it. Following the all-out election in May 2019, members were asked to sign up again. Currently 47 members had signed the Member Officer Protocol, with the outstanding members being followed up.

Members were advised that for the period 1 November 2018 to 31 December 2019 there had been seven formal complaints about members, with six of the complaints being made by members of the public. Common themes of complaint included; failure to declare an interest, improper use of influence and failure to treat someone with respect. The Deputy Monitoring Officer explained that a decision to take no action was made in five cases and an apology/explanatory statement was sought (and obtained) in two cases.

Members were advised that following the appointment to Shared Services posts in November 2019, Chris Moister had been appointed to the role of Monitoring Officer for both South Ribble Borough Council and Chorley Borough Council. The Deputy Monitoring Officer would be meeting with Officers from Chorley to discuss how best to align both Council's Code of Conducts. Members received this positively and suggested that a meeting between the two Council's Standards Committee and Independent Persons would be beneficial when looking to learn from each other's practices.

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RESOLVED:

(Unanimously)

1. The sentence within paragraph 18 be amended to read, "During the last twelve months there have been three such Hearing Panels."
2. The report is agreed for submission to Full Council in April 2020 for final approval.
3. That the report be noted.

Chair

Date

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Agenda Item 4

STANDARDS COMMITTEE PROCEDURE RULES

SOUTH RIBBLE BOROUGH COUNCIL INVESTIGATION AND HEARING PROCEDURE ARRANGEMENTS FOR DEALING WITH COMPLAINTS ABOUT THE CODE OF CONDUCT FOR MEMBERS

1. Introduction

1. This procedure applies when a complaint is received that a Member, Co-opted Member or Parish Member has or may have failed to comply with the Code of Conduct for Members.
2. The person making the complaint will be referred to as “the Complainant” and the person against whom the complaint is made will be referred to as the “Subject Member.”
3. No Member or Officer will participate in any stage of the arrangements if he or she has, or may have, any personal conflict of interest in the matter.

2. Making a complaint

A complaint must be made in writing by post or email to: -

Chris Moister
Monitoring Officer
South Ribble Borough Council
Civic Centre
Leyland
PR25 1DH
OR
Chris.moister@southribble.gov.uk

1. The Monitoring Officer will acknowledge receipt of the complaint within 5 working days of receiving it.
2. Details of the complaint will initially be given (either verbally or in writing) to the Subject Member (and in the case of a complaint about a Parish Councillor to the Clerk of the Parish Council as well).
3. The Subject Member may within 7 working days of the date of the letter of notification either reply verbally to the Monitoring Officer or make written representations which he must take into account when deciding how the complaint will be dealt with. Representations received after this time will not be taken into account unless the Monitoring Officer considers it appropriate to do so.

3. Initial Assessment

The Monitoring Officer will carry out the initial assessment of any complaint. This will normally be in conjunction with one of our Independent Persons. The Assessment will have regard to our Assessment Criteria - please see the Appendix A to this policy.

Where the Monitoring Officer considers it to be appropriate he or she may refer the initial complaint to the Hearing Panel (please see paragraph 9) for determination. Please see Appendix C to this document for details of the procedure to be followed.

4. Maintenance of Confidentiality by Members

Any Member involved in a complaint - whether as Complainant, Subject Member or Witness - is strongly recommended not to speak to the Press about the complaint (or to discuss it on social media) whilst that complaint is still being dealt with by the Monitoring Officer and/or Standards Committee

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5. Informal Resolution

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for an investigation. Such informal resolution may involve the Subject Member accepting that his/her conduct was unacceptable and offering an apology, or taking other steps. Please see the Assessment Criteria for more information about informal resolution. Where the Subject Member makes a reasonable offer of informal resolution the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation. If the complaint identifies criminal conduct or breach of other regulations by any person, the Monitoring Officer is authorised to report this to the Police or other prosecuting or regulatory authorities. The Monitoring Officer will endeavour to seek resolution of complaints without formal investigation wherever practicable.

6. Investigation

If the Monitoring Officer decides that a complaint merits formal investigation then he may appoint an Investigating Officer. At the end of their investigation, the Investigating Officer will produce a draft report and will send copies of that draft report to the Complainant and to the Subject Member, for comments. The Investigating Officer will take such comments into account, before issuing their final report to the Monitoring Officer.

7. Investigating Officer finding of insufficient evidence of failure to comply with the Code of Conduct

The Monitoring Officer will review the Investigating Officer's report and, if satisfied with the report, will make a Confirmation Decision to confirm the finding of no failure to comply with the Code of Conduct and will close the matter. The Monitoring Officer will write to the Complainant and the Subject Member (and to the Clerk of the Parish Council, where the complaint relates to a Parish Councillor), with a copy of the Confirmation Decision and the Investigating Officer's final report. A copy will also be provided to the Independent Person. If the Monitoring Officer is not satisfied that the investigation has been conducted satisfactorily, he may ask the Investigating Officer to reconsider their report and conclusion.

8. Investigating Officer finding of sufficient evidence of failure to comply with the Code of Conduct

The Monitoring Officer will review the Investigating Officer's report and if satisfied that the investigation has been conducted satisfactorily will then either send the matter to be considered by a Hearings Panel (see paragraph 9 below) or, after consulting with the Independent Person and the Complainant, seek Informal Resolution. Where, in the opinion of the Monitoring Officer, Informal Resolution is not appropriate or the Complainant and/or Subject Member refuse to co-operate, then the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel for their consideration and determination.

9. Hearings Panel

The Hearings Panel will consist of either the full Standards Committee or a sub-committee of that committee. In addition the Standards Committee is able to appoint Parish Councillors as nonvoting co-opted members of the Panel. Composition of any sub-committee will be considered on a case by case basis -the Monitoring officer will have the authority to determine the membership of that sub-committee.

The Independent Persons are invited to attend all meetings of the Hearings Panel and their views must be sought and taken into consideration before the Hearings Panel takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

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10. The Independent Person(s)

The Independent Person must be a person who has applied for the post following advertisement of a vacancy for the post, and appointed by a positive vote from a majority of all the Members of Council at a meeting of the Full Council.

The Council currently has two such Independent Persons. Subject members may take advice from an Independent Person. The detailed rules relating to who can be an Independent Person are set out in the Localism Act 2011.

11. Hearing Procedure

The Council has agreed a procedure for local hearings which is attached as Appendix B to these arrangements.

12. Action the Hearings Panel may take where a Member has failed to comply with the Code of Conduct

Where a Hearings Panel find that a member has failed to comply with the Code of Conduct, the Hearings Panel may –

12.1 Publish its findings in respect of the Member's conduct;

12.2 Report its findings to Council (or to the Parish Council) for information;

12.3 Censure;

12.4 Recommend to the Member's Group Leader (or in the case of un-grouped Members, recommend to Council) that he/she be removed from any or all Committees or Sub-Committees of

the Council;

12.5 Recommend to the Leader of the Council that the Member be removed from the Executive, or removed from their Portfolio responsibilities;

12.6 Instruct the Monitoring Officer to (or recommend that the Parish Council) arrange training for the Member;

12.7 Recommend to Council or Parish Council that the Member be removed from all outside body appointments to which they have been appointed or nominated by the Council (or by the Parish Council);

12.8 Withdraw (or recommend to the Parish Council that it withdraws) facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or

12.9 Exclude (or recommend that the Parish Council exclude) the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

12.10 Any sanction imposed by the Hearings Panel shall commence immediately unless the Hearings Panel directs that a sanction shall commence on another date within six months from the imposition of the sanction.

12.11 In deciding to impose a sanction the Hearings Panel shall consider all relevant circumstances and seek the views of the Independent Person.

12.12 The Chairman should normally announce the decision of the Hearings Panel at the hearing. Written confirmation of the findings of the Hearings Panel should be given as soon as is reasonably practicable to the Subject Member, Independent Person, Standards Committee of any other authority concerned, any parish council concerned, and any person who made an allegation that gave rise to the investigation.

12.13 The Hearings Panel and/or Standards Committee may consider making any recommendations to the authority concerned with a view to promote and maintain higher standards of conduct among its members.

13. Revision of these arrangements

The Monitoring Officer in consultation with the Chair of Standards Committee may amend these arrangements at any time. For the sake of clarity the Chair of Standards Committee (or the Chair of a particular Hearings Panel) may vary from these arrangements where they

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consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

14. Appeals

Subject to Judicial Review, or a decision of the Local Government Ombudsman, there is no right of appeal against a decision of the Monitoring Officer or of the Hearings Panel.

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APPENDIX A

COMPLAINTS AGAINST MEMBERS SOUTH RIBBLE BOROUGH COUNCIL ASSESSMENT CRITERIA

1. Initial Tests

Before any assessment of a complaint begins, the Monitoring Officer must be satisfied that the complaint meets the following tests:

- It is a written complaint against one or more named Members of South Ribble Borough Council or a Town or Parish Council within South Ribble Borough;
- The named member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time;
- The complaint, if proven, would be a breach of the Code.

If the complaint fails one or more of these tests it cannot be investigated as a breach of the Code

and the complainant will be informed that no further action will be taken in respect of the complaint.

2. If the above tests are met the Monitoring Officer (normally in consultation with one of our Independent Persons) will have regard to the following criteria:

- Official capacity - was the member acting in an official capacity as an Elected Member of the Borough or a Town or Parish Council
- Adequate information - whether there is sufficient information to decide whether the complaint should be referred for investigation or other action?
- Vexatious - whether the complaint appears to be malicious, vexatious, politically motivated or tit-for-tat
- Similar previous complaint(s) - whether a substantially similar allegation has previously made by the Complainant
- Lapse of Time - whether the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit in taking action now
- Seriousness - Whether the allegation discloses a potential breach of the Code of Conduct, but the complaint is not serious enough to merit any action and:-
 - (i) The resources needed to investigate and determine the complaint are wholly disproportionate to the allegations or;
 - (ii) Whether, in all the circumstances, there is no overriding public benefit in carrying out an investigation
- Inexperience- whether it is apparent that the Member is relatively inexperienced, or has admitted making an error and the matter would not warrant a more serious sanction
- Wider problem - whether the complaint suggests that there is a wider problem throughout the authority which ought to be addressed on a more corporate basis
- Whether training or conciliation would be the appropriate response.

3. Hearings Panel

The Monitoring Officer has the discretion to refer the initial assessment of a complaint to a Hearings Panel for their consideration. This could happen for instance in cases of particular complexity or sensitivity.

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4. Confidentiality/Anonymity

If a Complainant has asked for their identity to be withheld, this request will be considered by the Monitoring Officer at the Initial Assessment stage. As a matter of fairness and natural justice, the Member should usually be told who has complained about them and receive details of the complaint.

If the Monitoring Officer decides to refuse a request by a Complainant for confidentiality, they will offer the Complainant the option to withdraw the complaint, rather than proceed with his or her identity being disclosed. The Monitoring Officer will balance whether the public interest in taking action on a complaint will outweigh the Complainant's wish to have his or her identity withheld from the Member.

5. The Monitoring Officer (normally in consultation with one of our Independent Persons)

has the option to make the following decisions on any complaint:

- **that no further action be taken in respect of the matter**
- **that the matter be referred to the Group Leader for Informal Action** - this will normally only be where the complaint relates to South Ribble Borough Councillors and will not generally be appropriate if the complaint is from a member of the public.
- **that the matter is referred for Informal Resolution or other action** - this enables less serious complaints to be resolved speedily and cost effectively. Informal action may include an apology, training and mediation. The matter may subsequently be referred for formal investigation should it become apparent that the issues are more serious than was originally anticipated.
- **that the matter is referred for formal Investigation by an Investigator**- this enables the most serious allegations to be thoroughly investigated.
- **refer to Hearings Panel** - ordinarily a complaint will only be referred to a Hearing Panel after a full investigation has been carried out; however, the Monitoring Officer also has a discretion to refer initial complaints to the Panel for determination
- **That the matter is referred to the Police or other relevant Regulatory Agency** - this would be appropriate where it appears a criminal offence or breach of regulations may have taken place and in particular any failure to declare a Disclosable Pecuniary Interest under s 30 -31 of the Localism Act 2011.

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APPENDIX B COMPLAINTS AGAINST MEMBERS SOUTH RIBBLE BOROUGH COUNCIL HEARINGS PROCEDURE

Stage 1: Setting the scene

1. Any hearing will either be before the full Standards Committee or a duly appointed Hearing Panel. Any reference to "Panel" in this procedure also refers to the Committee if the full Committee is sitting.
2. After everyone involved has been formally introduced, the Chair will explain how the Panel is going to run the hearing.
3. The Chair will introduce the Independent Person(s) and explain that whilst they do not have a decision making role they are present to provide an independent view which the Panel are obliged to consider.
4. The Subject Member may be represented or accompanied at the meeting by a solicitor or barrister, or with the permission of the Panel, another person.
5. The Chair will ensure that the Subject Member (the member the subject of the complaint) is ready and happy to proceed. If the Subject Member indicates that they are not ready, they must give reasons why. The Committee will decide whether the hearing should proceed and must act reasonably in coming to that decision.
6. If the Subject Member is not present at the start of the hearing:
 - The Chairman should ask the Monitoring Officer whether the Subject Member has indicated his/her intention not to attend the Hearing
 - The Panel should then consider any reasons which the Subject Member has provided for not attending the Hearing and should decide whether it is satisfied that there is sufficient reason for such failure to attend
 - If the Panel is satisfied with such reasons, it should adjourn the Hearing to another date
 - If the Panel is not satisfied with such reasons, or if the Subject Member has not given any such reasons, the Hearings Panel should decide whether to consider the matter and make a determination in the absence of the Subject Member, or to adjourn the Hearing to another date.
7. With the permission of the Panel witnesses may give evidence either on behalf of the Investigator or on behalf of the Subject Member.

Stage 2: Making findings of fact

8. The Panel will ask the Subject Member whether there are any significant disagreements about the facts contained in the Investigating Officer's report. If there is no disagreement about the facts, the Panel can move on to Stage 3.
9. If the Subject Member disagrees with any relevant fact in the Investigating Officer's report, without having given prior notice of the disagreement, they must give good reasons for not mentioning it before the hearing. A Subject Member would be expected to give at least 7 days' notice to the Monitoring Officer of any such disagreement with any relevant fact.
10. After considering the Subject Member's explanation for not raising the issue at an earlier stage, the Panel may then:
 - continue with the hearing, relying on the information in the Investigating Officer's report
 - allow the Subject Member to make representations about the issue, and invite the Investigating Officer to respond
 - postpone the hearing to allow the Investigating Officer to consider and investigate the new issue.
11. Where prior notice of any disagreement has been given the Investigating Officer, will be invited to make representations on the challenged facts.
12. The Subject Member will then have the opportunity to make appropriate representations.

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13. At any time, the Panel may question the Investigating Officer or the Subject Member.

14. The Panel will usually move to another room to consider the representations and evidence in

private. Also present will be the Monitoring Officer, the Independent Person and a Democratic Services Officer. On their return, the Chair will announce the Panel's findings of fact.

Stage 3: Did the Subject member fail to follow the Code of Conduct?

15. Having made the finding on the facts the Panel will then consider whether the Subject Member has failed to follow the Code.

16. The Subject Member should be invited to give relevant reasons why the Panel should decide that they have not failed to follow the Code.

17. The Panel should then consider any verbal or written representations from the Investigating Officer.

18. The Panel may, at any time, question anyone involved on any point they raise on their representations.

19. The Subject Member should be invited to make any final relevant points.

20. The Panel will then move to another room to consider the representations. The Monitoring Officer, the Independent Person and a Democratic Services Officer will accompany them. The views of the Independent Person should be sought and considered by the Panel. Where the Panel depart from the view of the Independent Person they should record the reasons why.

21. On their return, the Chair will announce the Panel's decision as to whether the Subject Member has failed to follow the Code.

22. If the Panel decides that the Subject Member has not failed to follow the Code, the Panel will inform the Subject Member accordingly.

23. If the Panel decides that the Subject Member has failed to follow the Code, it will consider any verbal or written representations from the Investigating Officer and the Subject Member

as to:

- whether the Panel should apply a sanction
- what form any sanction should take

24. The Panel may question the Investigating Officer and Subject Member, and take legal advice, to make sure they have the information they need in order to make an informed decision.

25. The Panel will then retire with the Monitoring Officer, the Independent Person and a Democratic Services Officer. They will consider whether to impose a sanction on the Member and, if so, what sanction it should be. The Independent Person will not be able to participate in making the decision (i.e. vote) but their views must be considered by the Panel. Where the Panel depart from the Independent Person's views they must record reasons why.

26. The Panel will be limited to the sanctions listed in the procedure for the administration of complaints. The Panel must ensure that any sanction is reasonable and proportionate to the breach.

27. On their return, the Chair will announce the Panel's decision.



SOUTH RIBBLE BOROUGH COUNCIL CODE OF CONDUCT FOR ELECTED MEMBERS

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A. INTRODUCTION

- 1 This Code replaces the previous Code of Conduct for All Members and was adopted at the meeting of South Ribble Borough Council on 18 July 2012 and was reviewed and updated by Council on 24 May 2017. This Code is in accordance with the requirements of the Localism Act 2011.
- 2 This Code applies to **you** as a member of the Council in all aspects of your public life and not when you are acting purely in a private and personal capacity.
- 3 All members are expected to follow this Code when they are conducting the work of the Council, or representing the Council, on any external organisation, and otherwise acting in their official capacity.
- 4 Where you act as a representative of the Council
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
- 5 You should read this Code together with the seven principles listed in Section B.
- 6 It is your responsibility to comply with the provisions of this Code. Members have a responsibility to ensure that they comply with the Code of Conduct in all respects. They should regularly review their personal circumstances and intended actions in the context of the Code.
- 7 The Code is not intended to be an exhaustive list of all the obligations that are placed on Members. It is the responsibility of individual Members to comply with the provisions of the Code, the Council's Constitution, as well as such other legal obligations and all relevant Council Policies as may apply to them from time to time.
- 8 Members should not do anything in their capacity as councillors, which they could not justify to the public or could not justify by law. Members' conduct and what the public believe about their conduct will affect the reputation and credibility of Members and the Council as a whole.
- 9 You should always conduct yourselves in a way which will maintain and strengthen the public's trust and confidence in the integrity of this Council and should never undertake any action which would bring this Authority, or its Members and Officers generally, into disrepute.
- 10 It is not enough to avoid impropriety; perception is also important. Members should at all times avoid any occasion for suspicion and any appearance of improper conduct.
- 11 If in doubt, Members should seek advice from the Monitoring Officer or Deputy Monitoring Officer, but the final decision and responsibility on how to act rests with Members themselves.
- 12 **Failure to comply with the Code of Conduct may result in a sanction being applied by the Council. Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and a fine of up to £5,000 and/or disqualification from office for a period of up to 5 years.**
- 13 South Ribble Borough Council has adopted an Investigation and Hearings Procedure which it will follow to consider any allegations of breach of this Code.



B. THE SEVEN PRINCIPLES OF PUBLIC LIFE

The Principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

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.



C. GENERAL OBLIGATIONS

- 1 You should always treat others with respect.
- 2 You must not—
 - (a) do anything which may cause your authority to breach any of the equality enactments;
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be—
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) 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
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, this Council.
- 3 You must not—
 - (a) 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—
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) 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
 - (iv) the disclosure is—
 - reasonable and in the public interest; and
 - made in good faith and in compliance with the reasonable requirements of the authority; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
- 4 You—
 - (a) 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; and
 - (b) must, when using or authorising the use by others of the resources of your authority
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 5 (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by:
 - (a) your authority's chief finance officer; or
 - (b) your authority's monitoring officer.(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.



D. DISCLOSABLE PECUNIARY INTERESTS

- 1 Section 1 sets out in detail what is considered to be a Disclosable Pecuniary Interest.
- 2 A 'disclosable pecuniary interest' relates to an interest of both yourself and your partner (which means spouse or civil partner, 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).

Notification of disclosable pecuniary interest

- 3 Within 28 days of either the adoption of this code, becoming a member, co-opted member, Town or Parish Councillor (whichever is the earliest), you must notify the Monitoring Officer in writing of any 'disclosable pecuniary interests'.
- 4 Following initial disclosure, you must notify the 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.
- 5 **Failure to make proper disclosure may result in criminal sanctions being brought against you** (See Criminal Sanctions P6 Section D12).
- 6 Details of your interests including any disclosable pecuniary interests will be kept on a central register which will be published on the Council's website and be available for public inspection.

Sensitive interests

- 7 Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation if the interest is entered on the register (and the Monitoring Officer agrees), copies of the register that are made available for inspection and any published version of the register will exclude details of that interest, but may state that you have a disclosable pecuniary interest but the details of which will be withheld under Section 32(2) of the Localism Act 2011.

Effect of disclosable pecuniary interests on participation in meetings

- 8 If a disclosable pecuniary interest has been entered on to the Council's register
 - You must state at the start of the meeting or as soon as possible after becoming aware of the fact that you have a disclosable pecuniary interest in the business being considered that you have such an interest.
- 9 If a disclosable pecuniary interest has NOT been entered on to the Council's register
 - You must state at the start of the meeting or as soon as possible after becoming aware that you have a disclosable pecuniary interest in the business being considered that you have such an interest AND (unless it is a "sensitive interest" – see above) what that disclosable pecuniary interest is.
 - You must then inform the Monitoring Officer (within 28 days of the meeting) of the previously undisclosed disclosable pecuniary interest details of which will then be published on the register.

10 IN BOTH CASES i.e. as outlined in paragraph 8 & 9 above (unless dispensation has been granted):

- You must immediately cease to have any further involvement in the rest of the matter being considered.
- You must not participate in any discussion of, vote on or discharge any function related to any matter in which you have a disclosable pecuniary interest.
- You must leave the room or chamber where the matter is being discussed.

Dispensations

11 The Standards Committee may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

Criminal Sanctions

12 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 a member discharging a function, 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 £5000 and disqualification from being a councillor for up to 5 years.



E. OTHER INTERESTS

- 1 Apart from Disclosable Pecuniary Interests there may also be other interests, whether they be financial or otherwise, which should be disclosed to the Monitoring Officer or a member of Legal or Democratic services (who may enter the details in the register) and which should be declared at the beginning of any meeting or as soon as possible on discovery that such an interest arises where that interest potentially conflicts with the business being discussed.
- 2 Depending on the significance of the other interests it may also be necessary, especially if the interest may give rise to a perception of a conflict of interest in the matter under discussion, to declare that interest, state your point of view if you wish to and then leave the room and take no further part in the matter under consideration.

Notification of Other Interests

- 3 In addition to the disclosure of Disclosable Pecuniary Interests you must, within 28 days of either the adoption of this code, becoming a member, co-opted member, Town or Parish Councillor (whichever is the earliest), notify the Monitoring Officer in writing of the details of your interests within the following categories, for inclusion in the register of interests:
 - (a) Details of 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;
 - (b) Details of any body exercising functions of a public nature, anybody directed to charitable purposes or anybody 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;
 - (c) Details of any gift or hospitality with an estimated value of at least £25 that you have received in connection with your role as a member of the Council, and details of the donor (see below).
- 4 You must, within 28 days of becoming aware of any new interest or change to any interest registered under this paragraph notify the Monitoring Officer of the details of that new interest or change.

Effect of disclosure of Other Interests on participation in meetings

- 5 If an Interest has been entered on to the Council's register
 - You must state at the start of the meeting or as soon as possible after becoming aware that you have an interest in the business being considered that you have such an interest AND (unless it is a sensitive interest – see above) what that interest is.
- 6 If the interest has NOT been entered on to the Council's register
 - You should then inform the Monitoring Officer or a member of Democratic or Legal services (within 28 days of the meeting) of the previously undisclosed interest details of which may then be published on the register.
- 7 You have an 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 member of your family or any person with whom you have a close association.
- 8 Where you have an interest in any business of the authority of the type mentioned in Section H, (gifts and hospitality) you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- 9 Where you have an 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.

Non participation in case of certain other interests

- 10 Where you have an interest in any business of your authority (other than a disclosable pecuniary interest) **AND** 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 judgment of the public interest **AND** where that business:

- (a) affects your financial position or the financial position of a person or body through whom the interest arises ;or
- (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person through whom the interest arises,

you may make representations on the matter being discussed at the meeting, but you cannot vote. In addition, once you have made your declaration and representation (if any) you are required to leave the room where the meeting is held while any discussion or voting takes place.

- 11 Where you have an interest in any business of your authority to which paragraph 10 above applies, 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 provided that you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- 12 For the sake of clarity you may attend a meeting and vote on a matter that relates to the functions of your authority in respect of—
 - (i) an allowance, payment or indemnity given to members;
 - (ii) any ceremonial honour given to members; and
 - (iii) setting council tax or a precept under the Local Government Finance Act 1992.
- 13 There are situations where, as a member, you may discharge a function on your own for example when working out on your ward. If whilst doing so you become aware of either a disclosable pecuniary interest or an interest under paragraph 10 above in relation to the matter you are dealing with you must not take any steps or further steps in relation to that matter, or seek improperly to influence a decision about the matter and must inform the Monitoring Officer (in writing) as soon as possible after becoming aware of the said interest.



F. REGISTRATION OF INTERESTS

- 1 Any interests notified to the Monitoring Officer will be included in the register of interests.
- 2 A copy of the register will be available for public inspection and will be published on the authority's website.
- 3 The requirement to disclose such interests only applies where you are aware or ought reasonably to be aware of the existence of such an interest.
- 4 If a member has a sensitive interest (see Section D7 above) details of the fact they have an interest but not what the interest is will be entered on the Register.



G. INTERESTS ARISING IN RELATION TO OVERVIEW AND SCRUTINY COMMITTEES

- 1 You also have an interest in any business before a scrutiny committee of this 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 your authority's Cabinet 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 cabinet, 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.
- 2 Where you have such an interest as is described in the preceding paragraph in any business of this authority, you may attend a meeting (including a meeting of the scrutiny committee of your authority or of a sub-committee of such a committee) 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.



H. REGISTER OF GIFTS AND HOSPITALITY

- 1 You must register any gifts or hospitality received in connection with your official duties as a Member worth £25 or over within 28 days of receiving it.
- 2 You must also register the donor of the gift or hospitality.
- 3 You should register an accumulation of small gifts you receive from the same donor over a short period of time that add up to £25 or more.
- 4 If you don't know the value of a gift it would be good practice to register it anyway.
- 5 It is good practice to also register gifts or hospitality you do not accept.
- 6 Ask yourself "Have I been given this because I am a member?" if the answer is "yes" then you must register the item.



I. STATUTORY DEFINITION OF DISCLOSABLE PECUNIARY INTERESTS

Section 30 of the Act introduces the concept of Disclosable Pecuniary Interest which a member is expected to declare within specific timescales.

The Act states that it is a criminal offence to fail to notify the monitoring officer of a disclosable pecuniary interest, to take part in discussions or votes at meetings, or to take a decision where you have a disclosable pecuniary interest, without excuse. It is also an offence to knowingly or recklessly provide false or misleading information to the Monitoring Officer

If any member is in any doubt as to their position you should contact the Monitoring Officer, Democratic Services or Legal Services for assistance.

A 'disclosable pecuniary interest' is an interest of you or your partner (which means spouse or civil partner, 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) within the following descriptions:

(In the extracts from the Regulations below, 'you' and 'relevant person' means you and your partner, as above).

SUBJECT**PRESCRIBED DESCRIPTION**

Employment, office, trade, profession or vacation

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 this authority) made or provided within the relevant period in respect of any expenses incurred by you carrying out duties as a member, or towards the election expenses of you or your partner. 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 you or your partner (or a body in which you or your partner has a beneficial interest) and this 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 this authority for a month or longer.

Corporate tenancies

Any tenancy where (to yours or your partners knowledge)—

(a) this authority is the landlord; and

(b) the tenant is a body in which you or your partner have a beneficial interest.

Securities

Any beneficial interest in securities of a body where—

(a) that body (to your knowledge) has a place of business or land in the area of your 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 you or your partner have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

See Glossary for definitions



J. GLOSSARY

1 In this Code—

“**authority or council**” means South Ribble Borough Council or any Parish or Town Council within the South Ribble area that has decided to adopt this Code

“**Code**” means this

Code of Conduct

“**meeting**” means any

meeting of—

- (a) South Ribble Borough Council;
- (b) the executive of South Ribble Borough Council;
- (c) any of South Ribble Borough Council’s or its executive’s committees, sub- committees, joint committees, joint sub-committees, or My Neighbourhood Forums;
- (d) Parish or Town Council meetings

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members

“**member**” means a councillor of South Ribble Borough Council and any councillor on a Parish or Town Council within the South Ribble area that has adopted this Code. For the sake of clarity it includes a co-opted member and an appointed member.

“**register of members interests**” means the authority’s register of members’ pecuniary and other interests established and maintained by this authority’s monitoring officer under section 29 Localism Act 2011

“**the Act**” means the Localism Act 2011;

“**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;

“**relevant authority**” means the authority of which you are a member;

“**relevant period**” means the period of 12 months ending with the day on which you give a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“**relevant person**” means you or any other person referred to in section 30(3)(b) of the Act;

“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.

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MEMBERS CODE OF CONDUCT



SOUTH RIBBLE BOROUGH COUNCIL GUIDANCE FOR MEMBERS ON CODE OF CONDUCT

This document has been produced to **offer guidance on the Code of Conduct for Members adopted by South Ribble Borough Council** on 18 July 2012 and updated in May 2017. **The Code applies to all members and co-opted members of the Borough Council.**

Ultimately, it is members' responsibility to take specific advice from the Monitoring Officer where appropriate and to make a decision as to the most suitable course of action.



SECTION A - INTRODUCTION

The Code applies to you whenever you act in your official capacity as a member or co-opted member of the authority.

This includes those occasions where you are conducting the work of the Council or representing the Council on any external organisation.

It does not apply when you are acting in purely a private and personal capacity.

The Code is not intended to be an exhaustive list of all the obligations that are placed on members and it is the responsibility of individual members to comply with the provisions of the Code, the Council's Constitution, relevant Council Policies and any other legal obligations which may apply.

Members conduct will affect the reputation and credibility of Members and the Council as a whole. This means that you should always act in a way which will maintain and strengthen public trust and confidence and never undertake any action which will affect the reputation of the Council itself or Members and Officers.



SECTION B – THE GENERAL PRINCIPLES OF PUBLIC LIFE

The general principles of public life define the standards that members are expected to uphold. They apply to anyone who is elected or works as a public office holder.

The principles are:

- **Selflessness**
- **Integrity**
- **Objectivity**
- **Accountability**
- **Openness**
- **Honesty**

- **Leadership**

A failure to act in accordance with these general principles may on itself amount to a breach of the Code of Conduct.



SECTION C - GENERAL OBLIGATIONS UNDER THE CODE

1. You should always treat others with respect

You must treat others with respect at all times.

In politics rival groupings are common, either in formal political parties or more informal alliances. It is expected that each will campaign for their ideas, and they may also seek to discredit the politics and actions of their opponents. Criticism of ideas and opinion is part of democratic debate, and does not in itself amount to failing to treat someone with respect.

However, whilst ideas and policies may be robustly criticised, individuals should not be subject to unreasonable or excessive personal attacks. This particularly applies to dealing with the public and officers. Chairs of meetings are expected to apply the rules of debate and procedure rules or standing orders to prevent abusive or disorderly conduct taking place.

Members should as far as possible treat people courteously and with consideration. Rude and offensive behaviour lowers the public's expectations and can affect public confidence in elected representatives

2. You must not:

- **do anything which causes your authority to breach any of the equality enactments**
- **bully any person**
- **intimidate any complainant, witness or anyone involved in any investigation that a member has failed to comply with the Code**
- **do anything which compromises the impartiality of anyone working for the Council**

You must not do anything which may cause the Council to breach any equality laws. You must be careful not to act in any way which may amount to any of the prohibited forms of discrimination, or anything which hinders the Council's fulfilment of its positive duties under equality laws.

As a member your actions and behaviours are subject to greater scrutiny than ordinary members of the public. You should be aware your actions might have an adverse impact on your office or your authority. Threatening, bullying or intimidating behaviour in your role as a member may bring the authority into disrepute and result in a breach of the Code.

You must respect the impartiality and integrity of the Councils statutory officers and its other employees. You should not approach or pressure anyone who works for Council to carry out their duties in a biased or partisan way. Officers must be neutral and should not be coerced or persuaded to act in a way which would undermine their neutrality. As an example you should not ask officers to help prepare party political material or help with matters relating to your private business.

Members may robustly question officers to understand, for example their reason for acting in a particular way, or the content of a report they have written, but you must not try and force them to act differently, change their professional advice, or alter the content of that report, if doing so would prejudice their professional integrity.

3. You must not:

- **disclose information given or acquired in confidence except in very specific and limited circumstances**
- **prevent anyone else gaining access to information to which they are entitled by law**

As a general rule you must not disclose confidential information as doing so could be prejudicial to effective decision making and could damage the reputation of the Council in the eyes of those who wish to do business with it, as being a place which cannot be trusted to respect confidential or commercially sensitive information.

In certain very limited circumstances you may be justified in disclosing confidential information, these are:

- You have the consent of the 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 (for example your lawyer or professional adviser) provided that person agrees not to disclose the information to any other person
- The disclosure is in the public interest (this is only justified in limited circumstances)

However, these circumstances are very rare and particularly if you feel that disclosure may be in the public interest should raise your concerns with the Monitoring Officer in the first place. The courts have considered in what circumstances this may be justified and a careful balancing exercise is required to determine whether disclosure is appropriate.

Equally you must take care to ensure that the Council is open and transparent as far as possible and should not prevent or try to dissuade anyone from gaining access to information to which they are legally entitled.

4. You must not:

- **use your position as a member improperly to gain an advantage for yourself or a third party, or act to their detriment**
- **use the Council's resources improperly or for party political purposes**
- **breach any requirements of the Local Authority's Code of Publicity**

Care must be taken to ensure that you act solely in the public interest and that you never act improperly to gain an advantage or any financial or material benefit for yourself or any third party including any relative, friend, close associate, your employer or a business carried on by yourself. Nor must you act in any way which would be to the detriment or disadvantage of anyone you know.

You must also be careful to ensure that any resources which the Council gives you so that you can carry out your role as an elected member are only used for that purpose. This will include mobile phones, laptops and tablets as well as use of Council accommodation and support from staff. The Council may from time to time issue guidelines on the use of Council resources and you should ensure that you are familiar with the latest advice.

You should never use the Council's resources for purely party political purposes, including designing and distributing party political material produced for publicity purposes.

5. When reaching any decision on any issue you must have regard to the advice of the chief finance (s151) officer and monitoring officer and be able to give reasons for all decisions taken

You must consider carefully any professional advice from the Council's Chief Finance or Monitoring Officer before you reach a decision. These statutory officers have the legal responsibility to ensure that the Council acts lawfully and within its financial constraints and occasionally this may mean that there is a need to issue professional advice which may be unpalatable from a political perspective. It is important to respect both their professional integrity and independence given the responsibilities they carry.

In the interests of good governance you should also be prepared to give reasons for any decision that you reach.



SECTION D – DISCLOSABLE PECUNIARY INTERESTS

You have two types of interests that you must register under the Code:

- **Disclosable Pecuniary Interests (DPI)**
- **Other Registrable Interests (including gifts and hospitality)**

Disclosable Pecuniary Interests are set out in Section 1 to the Code and must be notified to the Monitoring Officer within 28 days of being elected. You must keep your register updated and add new or any amended DPI's within 28 days of any change.

Failure to register or declare them is a criminal offence and you may be liable to be fined up to a maximum of £5000 or be disqualified from acting as a Councillor for up to 5 years.

A Disclosable Pecuniary Interest relates to an interest of yourself or your partner in any of the following:

- **any employment, office, trade, profession or vocation carried on for profit or gain**
- **any payment or other financial benefit made towards expenses in carrying out your duties as a Member or election expenses**
- **any contract with the Council under which goods and services are provided or works are undertaken**
- **any land which you own or have a legal interest in within the South Ribble area**
- **any licence to occupy land in the South Ribble area for longer than 28 days**
- **any corporate tenancy with the Council where you have a legal interest in the body which holds the tenancy**
- **any interest you have in the shares or securities of a body which has a place of business in South Ribble areas with a nominal value of more than £25k or more than a 1/100th of the issued shares or securities.(If there are several classes of shares or securities, then the fraction of 1/100th applies to any of these classes)**

Please note that “partner” is defined as your spouse, civil partner or any person you are living with as husband or wife or as a civil partner.

Sensitive Interests

If you are concerned that the disclosure of the details of any interest could lead to you, or someone connected to you, being subject to violence or intimidation and the Monitoring Officer agrees then a note of the interest will be made but full details will not be entered on the public register.

However, you will still need to disclose at any relevant meeting that you do have a DPI in the matter being considered.

A sensitive interest may include sensitive employment, such as certain scientific research or some investigatory roles where it is important that personal details remain confidential.

When to declare a Disclosable Pecuniary Interest

If a DPI has been entered on the Council's register you must still declare at the start of the meeting (or as soon as possible once you realise) that you have such an interest.

If your DPI has not been entered on the register then you must state at the start of the meeting (or as soon as possible once you realise) that you have a DPI in the business before the meeting and you should also explain what the nature of the interest is. You should then inform the Monitoring Officer within 28 days of the meeting of the DPI so that it can be published on the register.

IN BOTH CASES you must:

- immediately cease any involvement in the matter
- do not participate in any discussion or vote
- leave the room where the matter is being discussed

Dispensation

In certain limited circumstances the Standards Committee may grant you a dispensation to enable you to participate in a meeting and vote on a matter even where you have a DPI. These circumstances include:

- unless a dispensation is granted a significant proportion of the members participating in the meeting will be prevented from doing so and this is likely to impact on the ability to deal with the meeting's business
- unless a dispensation is granted the representation of the different political groups on the body will be so upset that it is likely to alter the outcome of any vote on the issue
- without a dispensation no member of cabinet would be able to participate on the matter
- a dispensation is considered to be in the interests of persons living in the area
- there are other good reasons to grant a dispensation

You should speak to the Monitoring Officer for further assistance.



SECTION E – OTHER INTERESTS

There are two types of interest you must register under the Code:

- Disclosable Pecuniary Interests (DPI)
- Other Registrable Interests (including gifts and hospitality)

You must register the following categories in the register of interests as “Other Interests”

- **any outside body or organisation you have been appointed to or nominated to be a member of by South Ribble Borough Council**
- **any public or charitable body or organisation which principally exists to influence public opinion or policies** (examples include political parties and trade unions, government agencies, other local authorities, public health bodies, local authority owned companies and school governing bodies)
- **any gift or hospitality with an estimated value of at least £25 which has been received in your capacity as an Elected Member** (see section H)

Other Interests must be notified to the Monitoring Officer within 28 days of being elected. You must keep your register updated and add new or any amended Other Interests within 28 days of any change.

If an Interest has been entered on the Council’s register you must still declare at the start of the meeting (or as soon as possible once you realise) that you have such an interest and briefly explain what it is.

If your Interest has not been entered on the register then you must state at the start of the meeting (or as soon as possible once you realise) that you have an Interest in the business before the meeting and you should also explain what the nature of the interest is. You should then inform the Monitoring Officer within 28 days of the meeting of the Interest so that it can be published on the register.

You also have an interest in:

- **any business of the Council where a decision might reasonably be regarded as affecting your well-being or financial position or that of a member of your family or any person with whom you have a close association**

Non participation in case of certain other interests

Generally you may still speak and vote at the meeting, however dependent upon the significance of the interest (and especially if it may give rise to the perception of a conflict of interest) you should declare the interest, state your point of view if you wish to do so then leave the room taking no further part in the matter.

You would follow this process if:

- **you have an interest in the business of the Council (other than a DPI)**
- **a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it would be likely to prejudice your judgment of the public interest**

- **the matter affects either your own financial position or someone close to you or that of a business either you or someone close to you is connected with OR**
- **it relates to the determination of any approval, consent, licence, permission or registration for you or someone close to you.**

For example, you would be expected to not only declare an interest but take no further part in the meeting if you sat as a Member of the Planning Committee which was considering an application made by your daughter or a neighbouring application to your own land.

If you are in any doubt about the process to follow you should consult the Monitoring Officer.

Exemptions

You may still attend a meeting and vote on the following matters:

- **any allowance, payment or indemnity given to Members**
- **any ceremonial honour given to Members**
- **setting Council Tax**



SECTION F - REGISTRATION OF INTERESTS

You must notify the Monitoring Officer of any relevant interests to be included in the Council's register of interests within 28 days of being elected or any change in your circumstances.

A copy of the register will be available for public inspection and published on the Council's website.

By registering your interests the public, council staff and other members will know which of your interests might give rise to a conflict of interest. This is not only good practice in terms of transparency of decision making but also protects you. Although you are personally responsible for deciding whether you should declare an interest in a meeting it can be very helpful for you to know early on if others think a potential conflict may arise. It also helps maintain public confidence in the integrity of Local Government if the public can know about any interests that may need to be declared by you or other members.



SECTION G - INTERESTS ARISING IN RELATION TO OVERVIEW AND SCRUTINY COMMITTEES

The Code makes it clear that any Member who was involved in making a decision or taking action on any matter must not later be involved in the Overview and Scrutiny's consideration of that decision or action.



SECTION H – REGISTER OF GIFTS AND HOSPITALITY

You must register any gift or hospitality over the value of £25 listing where it came from within 28 days of receiving it.

You do not need to register gifts and hospitality which are not related to your role as a Member, such as Christmas gifts from friends and family. However, you should always register a gift or hospitality if the perception could be that it was given to you because of your position as an Elected Member.

You should ask yourself would I have been given this if I were not on the Council? If you are in any doubt about the motive then you should register it or speak to the Monitoring Officer for advice.

You may have to estimate how much the gift or hospitality is worth, however, as a matter of good practice, the general rule is if in doubt then register it.

It is also good practice to register gifts or hospitality which you did not accept.

You do not need to declare an interest as a result of having received a gift or hospitality if it has been registered for more than 3 years before the date of the meeting.

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Agenda Item 6

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of the Local Government Act 1972.

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