

Democratic Services – Pre-Election Pack

Pre-Election Pack

This pack contains important information and documentation that will help you in your duties as an Election Candidate, and as an Elected Member should you be successful at the forthcoming elections.

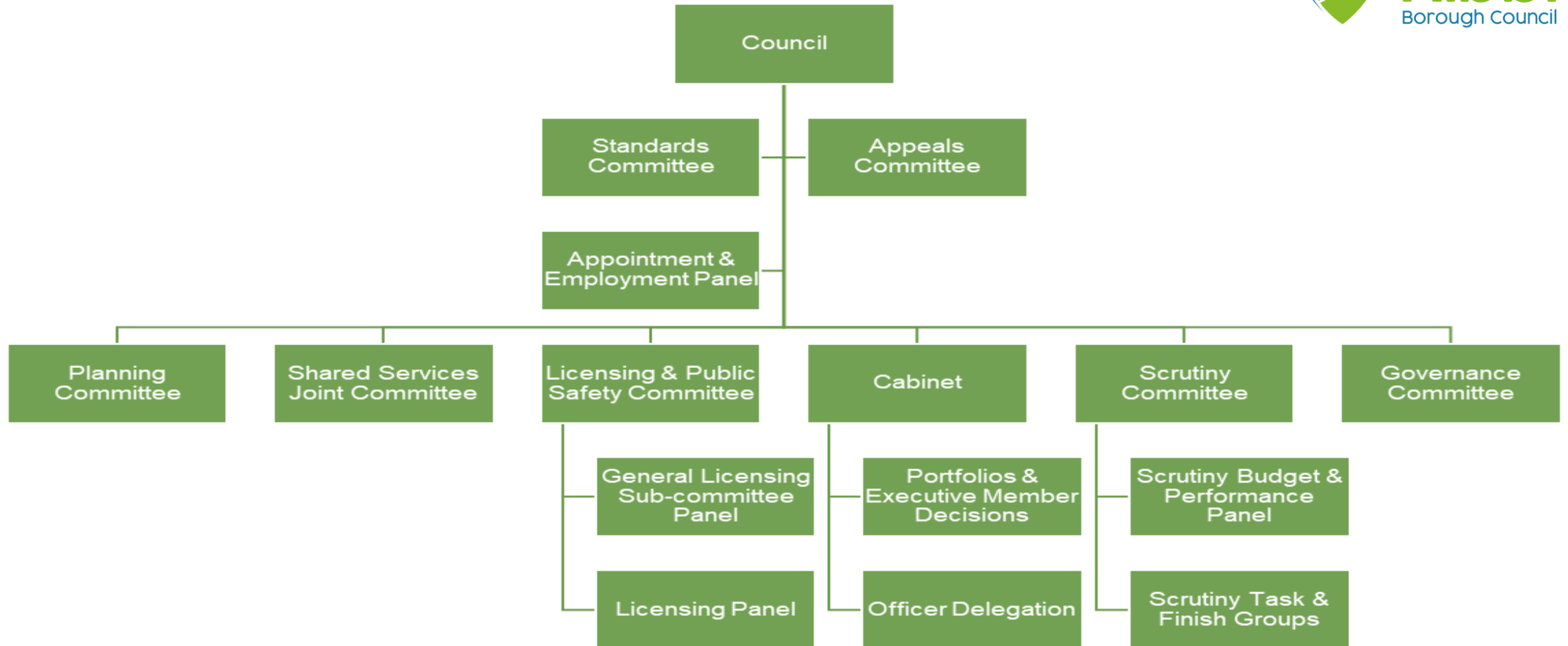
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|---|------------------------|
| <p>1. Political Management Structure of the Council</p> <p>The various decision-making bodies on the Council.</p> | <p>(Pages 5 - 6)</p> |
| <p>2. Timetable of Council meetings and information about Committees</p> <p>This is a timetable of all the Council meetings, some background to the purpose of each Committee and any relevant training.</p> | <p>(Pages 7 - 14)</p> |
| <p>3. Management Structure of the Council</p> <p>The structure of the Council's senior officers.</p> | <p>(Pages 15 - 16)</p> |
| <p>4. Borough Ward Map</p> <p>Plan showing the wards of the Borough.</p> | <p>(Pages 17 - 18)</p> |
| <p>5. Code of Conduct for Elected Members</p> <p>The Code which all councillors must follow.</p> | <p>(Pages 19 - 42)</p> |
| <p>6. Member Training and Development</p> <p>A brief summary of our commitment to Member development.</p> | <p>(Pages 43 - 44)</p> |

Please note key dates for your diary:

- **Wednesday, 10 May** - Member Induction – Welcome Presentations and Networking Sessions (Afternoon/Evening)
- **Friday, 12 May** - New Member Induction Drop- in Session (Afternoon)
- **Thursday, 18 May** - Training - Members of the Governance Committee 5.30pm onwards
- **Monday, 22 May** - Training – Members of the Licensing and Public Safety Committee 5.30pm onwards
- **Thursday, 25 May** - Training – Members of the Planning Committee 5.30pm onwards
- **Wednesday, 7 June** - Training – Members of the Scrutiny Committee 5.30pm onwards
- **Tuesday, 13 June** - Training – Members of the Standards Committee 5.30pm onwards

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Decision-making Structure



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**South Ribble Borough Council
Timetable of Meetings 2023/2024**

	May 2023	June 2023	July 2023	August 2023	Sept 2023	Oct 2023	Nov 2023	Dec 2023	Jan 2024	Feb 2024	March 2024	April 2024	May 2024	
Mon	1 Bank Holiday								1 New Years Day			1 Easter Monday	Mon	
Tue	2			1					2 PTC			2 PTC	Tue	
Wed	3			2			1		3			3	Wed	
Thu	4 E	1		3 P			2		4 ICB	1 P		4	Thu	
Fri	5	2		4	1		3	1	5	2	1	5	Fri	
Sat	6	3	1	5	2		4	2	6	3	2	6	Sat	
Sun	7	4	2	6	3	1	5	3	7	4	3	7	Sun	
Mon	8 Bank Holiday	5 FPC	3 FPC CG	7	4 FPC	2 FPC	6 FPC	4 FPC J	8 FPC	5 FPC	4 FPC	8 FPC	6 Bank Holiday	Mon
Tue	9 MI	6 PTC	4 PTC GLC	8	5 PTC TTF	3 PTC J	7 PTC SSJC	5 PTC	9 GLC SSJC	6 PTC GLC	5 PTC GLC LP	9 GLC	7 PTC	Tue
Wed	10	7 SCT	5 CAB	9	6 SSJC	4 SCT	8 MHPC LPWG	6	10 MHPC	7 MB	6 SSJC	10 MHPC	8 MHPC	Wed
Thu	11	8 ICB	6 P	10	7 P	5 P	9 P	7 P	11 P	8 ICB	7 CE	11	9 MI	Thu
Fri	12	9 MDSG	7	11	8	6	10 MDSG	8	12	9	8	12	10	Fri
Sat	13 CG	10 CG	8 CG	12	9 CG	7	11 CG	9 CG	13 CG	10 CG	9 CG	13 CG	11 Yes	Sat
Sun	14	11	9	13	10	8	12	10	14	11	10	14	12	Sun
Mon	15	12 LHPC LPWG	10 LHPC MB	14	11 SCBP CG LHPC	9 LHPC MB	13 SCBP CG LHPC	11 CG	15 LHPC CG	12 LHPC	11 SCBP CG LHPC	15 LHPC MB	13 LHPC	Mon
Tue	16	13 ST	11 SC	15	12 LPS GLC	10 SC	14 GLC	12 LPS GLC	16 SC	13	12 TTF	16	14	Tue
Wed	17 AC	14 MHPC	12 MHPC	16	13 MHPC CAB	11 MHPC CAB	15 CAB	13 MHPC CAB	17 CAB	14 MHPC	13 MHPC CAB	17	15 AC	Wed
Thu	18 GT	15 P	13	17	14 CE	12	16	14	18 LPWG	15	14 LPWG	18	16	Thu
Fri	19	16	14	18	15	13	17	15	19	16	15 MDSG	19	17	Fri
Sat	20	17	15 LG	19	16 LG	14 CG	18 LG	16	20	17	16	20	18	Sat
Sun	21	18	16	20	17	15	19	17	21	18	17	21	19	Sun
Mon	22 LT	19 SCBPP	17 CG	21	18 CG	16	20 CG	18	22 MB	19 BSC	18 MB	22	20	Mon
Tue	23 G	20 LPS GLC	18	22	19 TTF	17 GLC	21	19 TTF	23 G	20	19 SC	23	21 G	Tue
Wed	24 C*	21 CAB	19 C	23	20 C	18	22 C	20	24	21 BCAB	20 S	24	22 C*	Wed
Thu	25 PT SPC	22 ICB	20	24	21 LPWG	19	23 SPC	21 S	25 SPC	22 P	21 P	25 P	23 SPC	Thu
Fri	26	23	21	25	22	20	24	22	26	23	22	26	24	Fri
Sat	27	24	22	26	23	21	25	23	27 LG	24 LG	23 LG	27	25	Sat
Sun	28	25	23	27	24	22	26	24	28	25	24	28	26	Sun
Mon	29 Bank Holiday	26 MB	24	28	25 MB	23	27 MB	25 Christmas Day	29 CG	26 CG	25 CG	29	27 Bank Holiday	Mon
Tue	30	27 TTF	25 G	29	26 G	24	28 G	26 Boxing Day	30	27	26 G	30	28	Tue
Wed	31	28 CE	26	30	27 S	25	29 CE	27	31 C	28 CT	27 C		29	Wed
Thu		29 S	27 SPC	31 ICB	28 SPC ICB	26 ICB	30 ICB	28		29 ICB	28 J		30	Thu
Fri		30	28		29	27		29			29 Good Friday		31	Fri
Sat			29		30	28		30						Sat
Sun			30			29		31						Sun
Mon			31			30								Mon
Tue						31								Tue

Page 7

Agenda Item 2

C	Council
AC	Annual Council
CT	Council Tax Setting Council
CAB	Cabinet
BCAB	Budget Cabinet
ICB	Informal Cabinet Briefing (
CW	Cabinet Workshop (4pm)
P	Planning Committee
PT	Planning Training (5.30pm)
LPWG	Local Plan Working Group

LPS	Licensing & Public Safety Committee
GLC	General Licensing Sub Panel (2pm)
TTF	Taxi Trade Forum
LT	Licensing Training (5:30pm)
S	Standards Committee
ST	Standards Training (5.30pm)
SC	Scrutiny Committee
BSC	Budget Scrutiny Committee
ScT	Scrutiny Training (5.30pm)
SCBP	Scrutiny Budget and Performance Panel (5pm)

G	Governance Committee
GT	Governance Training (5.30pm)
MB	Member Briefing
MDSG	Member Development Steering Group
MI	Member Induction
SS	Shared Services
J	Central Lancs Strategic Planning
CE	Climate Emergency Task Group
E	Election/Referendum

FPC	Farington Parish Council
LHPC	Little Hoole Parish Council
LPC	Longton Parish Council
MHPC	Much Hoole Parish Council
PTC	Penwortham Town Council
SPC	Samlesbury and Cuerdale Parish Council

	Weekends/Bank Holidays
	School Holidays

Meetings commence at 6pm unless otherwise stated
* Mayor Making Ceremony

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South Ribble Borough Council

Committee Descriptions

The aim of this document is to provide information on all the Committees of South Ribble Borough Council. This includes: -

- the role of each committee
- the membership
- how many times the committee meets annually
- the dates for the first meetings this municipal year
- any associated mandatory training

Meetings can be viewed on Youtube here:
<https://www.youtube.com/@southribblecouncil>

Council

There are five ordinary meetings a year of the Full Council of 50 Members plus several Special Council meetings, these are: -

- **Annual Council** - meets in May to appoint the Executive Leader of the Council and makes all other appointments to the Cabinet and Committees of the Council,
- **Budget Council** - meets at the end of February to agree the Council's budget and sets the level of Council tax for the forthcoming year.

All 50 members are required to sit on Full Council meetings. No mandatory training is required.

The first meeting of Council of the new municipal year is Annual Council taking place on Wednesday, 17 May at 6pm.

All meeting dates subsequent to this can be found on the council's calendar of meetings. To access this search www.southribble.gov.uk > Click on the blue 'Council' tab > Meetings and Agendas ([or click here to view the calendar of meetings](#))

Cabinet

The Cabinet comprises of the Leader of the Council and four Cabinet Members of the Council. Each has responsibility for a defined service area (portfolio). Within the budget and policy framework set by the full Council, the Cabinet is responsible for carrying out almost all of the Council's functions in delivering services to the community. Full details of the Cabinet functions are set out in Part 2B, 4D and 4E of the [Council Constitution](#) on the Council website.

The Cabinet is currently made up of the: -

- Leader and Cabinet Member (Strategy and Reform)
- Deputy Leader and Cabinet Member (Health and Wellbeing)
- Cabinet Member (Communities, Social Justice and Wealth Building)
- Cabinet Member (Finance, Property and Assets)
- Cabinet Member (Planning, Business Support and Regeneration)

The Leader chairs the Cabinet and has overall political responsibility for achieving the Council's objectives.

The Cabinet meets 9 times per year. Members of the Council who are not on the Cabinet can attend the meeting as observers.

The first meeting of the Cabinet of the new municipal year will take place on Wednesday, 21 June at 6pm.

Scrutiny Committee

The role of the Scrutiny Committee is to provide checks and balances within the Council and to hold the Cabinet to account. Most importantly, the committee also assists in the development of Council policy by looking at existing policies and the effectiveness of their delivery, and reviewing whether new policies or changes to existing policies are needed. Further details are set out in Part 2C and 4F of the [Council Constitution](#) on the Council website.

The Committee consists of **13 Members** and is supported by a range of Scrutiny Task Groups undertaking various Scrutiny Reviews.

New Members of the Scrutiny Committee will be required to attend training taking place Wednesday, 7 June at 5.30pm.

The first meeting of the Scrutiny Committee of the new municipal year will take place on Tuesday, 11 July at 6pm.

Scrutiny Budget and Performance Panel

There is also a Scrutiny Budget and Performance Panel which meets quarterly to look at Council and Local Strategic Partnership performance. Relevant Cabinet Members will attend to answer questions on their service areas.

The first meeting of the Scrutiny and Budget Performance Panel of the new municipal year will take place on Monday, 19 June at 6pm.

Scrutiny Task Groups

Scrutiny Task Groups are established by the Scrutiny Committee when they request that an issue be reviewed. The membership is created by those nominating themselves forward and can therefore be different to that of the Scrutiny Committee.

Governance Committee

The purpose of the Governance Committee is to provide independent assurance to the members of the adequacy of the risk management framework and the internal control environment. It provides independent review of South Ribble Borough Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

The Committee consists of **7 Members**.

New Members of the Governance Committee will be required to attend mandatory training on Thursday, 18 May at 5.30pm.

The first meeting of the Governance Committee of the new municipal year will take place on Tuesday, 23 May at 6pm.

Standards Committee

The role of the Standards Committee is to promote and maintain high standards of conduct by members of the council, co-opted members, town and parish councillors and employees. Further details are set out in Part 2H and 4J of the [Council Constitution](#) on the Council website.

The Committee consists of **7 Members** and meets on a quarterly basis.

New Members of the Standards Committee will be required to attend mandatory training on Tuesday, 13 June at 5.30pm.

The first meeting of the Standards Committee of the new municipal year will take place on Thursday, 29 June at 6pm.

Planning Committee

The Planning Committee makes decisions about planning and development. The terms of reference of the Planning Committee are as follows:

- a) The functions of the Council as Local Planning Authority in relation to the control of development, the display of advertisements, listed buildings, tree preservation orders and conservation areas including deemed planning permission for development by the Council or development of Council land or property.
- b) The formulation of observations or recommendations on planning applications to be determined by the County Council or a neighbouring local planning authority or pursuant to notifications of proposed development by other local or public authorities, Government departments, the Crown or statutory undertakers.
- c) The administration, enforcement and relaxation of building regulations and associated legislation.

The committee consists of **13 Members**. The Committee meets 11 times a year, approximately once every 4 weeks. Members will also be expected to attend site visits as and when decided at Committee.

New members of the Planning Committee will be required to attend mandatory training; this will take place on Thursday, 25 May at 5.30pm.

The first meeting of the Planning Committee of the new municipal year will take place on Thursday, 15 June.

Licensing and Public Safety Committee

The Licensing and Public Safety Committee considers matters relating to licensing policy, licensing conditions, and monitors overall licensing and enforcement activity.

The membership consists of **12 Members**. The committee meets four times a year. Members of the Licensing and Public Safety Committee will also be required to sit on some General Licensing Sub-Committee and Licensing Panels.

New Members of the Licensing and Public Safety Committee will be required to attend mandatory training taking place on Monday, 22 May at 5.30pm

The first meeting of the Licensing and Public Safety Committee of the new municipal year will take place on Wednesday, 20 June at 6pm.

General Licensing Sub-Committee

The General Licensing Sub-Committee considers applications for hackney carriage and private hire licences, where circumstances mean they cannot be decided by Licensing Officers.

General Licensing Sub-Committee meetings are scheduled 10 times a year, approximately four weeks apart. However, if there is no business the scheduled meeting will be cancelled. The Panel will consist of **5 Members**.

At the beginning of the municipal year, Democratic Services will ask members of the Licensing and Public Safety Committee for their availability on the scheduled dates. Based on this information, meeting requests will then be sent out to Members for the meetings that you are required to attend. If you do not receive a meeting request, this means you are not required on the Panel for that meeting.

The first meeting of the General Licensing Sub-Committee of the new municipal year will take place on Wednesday, 20 June at 2pm.

Licensing Panel

The Licensing Panel meets on an ad hoc basis as and when required to consider all applications and licence reviews under the Licensing Act 2003 and the Gambling Act 2005 where circumstances mean that they cannot be decided by Licensing Officers.

This panel will consist of **3 Members**. Members will be contacted by Democratic Services for their availability once a meeting has been requested by Officers and a date has been identified.

Shared Services Joint Committee

The membership of the Joint Committee comprises of representatives of South Ribble and Chorley Borough Councils and its role is to oversee shared service delivery jointly between the two Councils, including investigating opportunities for extending shared services to new service areas and delivery options.

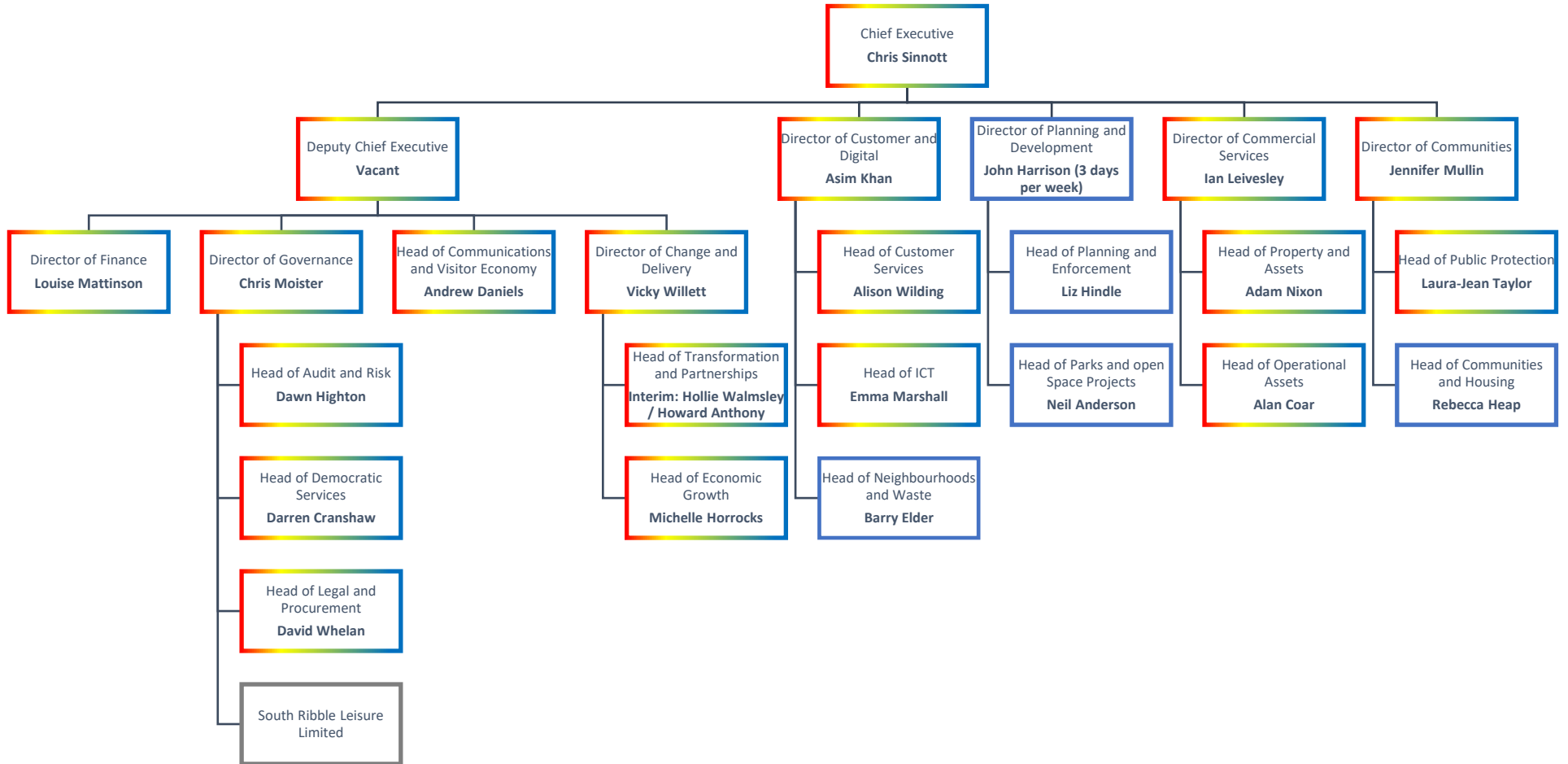
The membership consists of **10 Members; 5 from South Ribble and 5 from Chorley**. The committee meets six times a year.

The first meeting of the Shared Services Joint Committee of the new municipal year will take place on Wednesday, 28 June at 6pm.

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Update on South Ribble Leadership Team appointments

The appointment to the new Head of Service posts has now completed, with individuals appointed and due to start over the coming months.



Key notesNew internal appointments

- Laura-Jean Taylor (previously Environmental Health Manager) has been appointed as shared Head of Public Protection and so moves onto the Leadership Team
- Rebecca Heap has been appointed as Head of Communities and Housing.

New external appointments

- Alan Coar will join as Head of Operational Assets. He starts on 15 February
- Adam Nixon will join as Head of Property and Assets. He starts on 1 April
- Michelle Horrocks will join as Head of Economic Growth. She starts on 20 March.
- Barry Elder will join as Head of Neighbourhoods and Waste. He starts on 17 April.
- Liz Hindle will join as Head of Planning and Enforcement. She starts on 13 March

Interim arrangements

- Ian Leivesley is interim Director of Commercial Services with a contract for six months.
- John Harrison is interim Director of Planning and Development, for a six month contract
- Hollie Walmsley and Howard Anthony are providing interim cover for the Head of Transformation and Partnerships (with Hollie over HR and Howard over Performance and Partnerships).

Ward map



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Agenda Item 5

Appendix A



Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

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

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

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

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

South Ribble Borough Council has decided to adopt this Code with a number of local amendments incorporated.

Agenda Item 5

Introduction

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

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

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

Definitions

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

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

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

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

Purpose of the Code of Conduct

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

Agenda Item 5

General principles of councillor conduct

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

These Seven principles are:

Selflessness

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

Integrity

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

Objectivity

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

Accountability

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

Openness

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

Honesty

Holders of public office should be truthful.

Leadership

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

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

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

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

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person

Agenda Item 5

- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

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

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

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

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

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

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

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

Agenda Item 5

Officer. In the absence of the Monitoring Officer you should consult with the Deputy Monitoring Officer.

As a Councillor I also agree to the following:-

Where I act as a representative of the Council:

- (a) on another relevant authority, I shall, when acting for that other authority, comply with that other authority's code of conduct; or
- (b) on any other body, I shall, when acting for that other body, comply with my authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

I accept that it is my responsibility to comply with the Code of Conduct in all respects. I shall regularly review my personal circumstances and intended actions in the context of the Code.

I accept that the Code is not intended to be an exhaustive list of all the obligations that apply to me. It is my responsibility 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 from time to time.

I shall not do anything in my capacity as a councillor, which I could not justify to the public or could not justify by law. My conduct and what the public believe about my conduct will affect the reputation and credibility of Members and the Council as a whole.

I shall always conduct myself 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.

I accept that it is not enough to avoid impropriety; perception is also important. I shall at all times avoid any occasion for suspicion and any appearance of improper conduct.

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.

Standards of councillor conduct

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

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

Part 1

General Conduct

1. Respect

As a councillor:

Agenda Item 5

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

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

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

If you chair a meeting you are expected to apply the rules of debate and procedure rules or standing orders to prevent abusive or disorderly conduct taking place.

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

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

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully or intimidate any person.

2.2 I do not harass any person.

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

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

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

Agenda Item 5

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

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

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

Bad conduct on your part in respect of these duties could have a particular adverse effect on the reputation of the council.

3. Impartiality of officers of the council

As a councillor:

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

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

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

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

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

Agenda Item 5

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

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

5. Disrepute

As a councillor:

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

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

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

6. Use of position

As a councillor:

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

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

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

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

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

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

Examples include:

- office support

Agenda Item 5

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

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use. You should never use the Council's resources for purely party political purposes, including designing and distributing party political material produced for publicity purposes.

8. Complying with the Code of Conduct

As a Councillor:

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

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

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

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

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

In terms of para 8.4 it is recognised that a councillor may seek to challenge legally an adverse finding against him (albeit such rights of challenge are limited). It would be for a Member to seek their own legal advice if minded to challenge a decision but such a challenge would probably be by way of a judicial review. Recourse to the Local Government Ombudsman may also be possible in certain instances. In the event that any such challenge is unsuccessful then a councillor would be expected to comply fully with the sanctions that had been imposed on him.

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Part 2

Protecting your reputation and the reputation of the local authority – Interests and Gifts and Hospitality

1. Interests –

As a councillor:

Agenda Item 5

1.1 I register and disclose my interests.

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

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

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

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

2. Gifts and hospitality

As a councillor:

2.1 I do not accept gifts or hospitality, irrespective of estimated value, which a reasonable member of the public knowing all of the facts would believe could influence me to show favour for 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.

2.1 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

2.2 I also register with the Monitoring Officer the donor of the gift or hospitality.

2.3 I register with the Monitoring Officer any gift or hospitality that I have been offered but have refused to accept.

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

Appendix A Registering interests

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

"Affects" means that any relevant interest you have may be indirectly benefited by a decision

"Directly Relates" means that a decision directly benefits any relevant interest you have

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

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

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

Non participation in case of disclosable pecuniary interest

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

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or

Agenda Item 5

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

Disclosure of Non-Registerable Interests

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

you must disclose the interest. ***In order to determine whether you can remain in the meeting after disclosing your interest the test set out in the following paragraph should be applied:-***

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

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

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

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

Agenda Item 5

Table 1: Disclosable Pecuniary Interests

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

In the extracts from the Regulations set out below, “you” and “relevant person” means you and your partner.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from 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 and Property	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 council 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—

Agenda Item 5

	<p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you or your partner have a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p> <p>spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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Table 2: Other Registrable Interests

You must register as an Other Registrable Interest :

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management

Agenda Item 5

Appendix B – the Committee on Standards in Public Life

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

The recommendations cover:

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

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

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

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

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

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

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

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

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

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

Agenda Item 5

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

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

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

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

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

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

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

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

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

APPENDIX B

INVESTIGATION AND HEARING PROCEDURE

1. Introduction

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.

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.”

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.

Making a complaint

A complaint must be made in writing to: –

Chris Moister,

Monitoring Officer

South Ribble Borough Council

Civic Centre

Leyland

PR25 1DH

OR

chris.moister@southribble.gov.uk

The Monitoring Officer will acknowledge receipt of the complaint within 5 working days of receiving it.

In the absence of the Monitoring Officer a complaint may be made to the Deputy Monitoring Officer David Whelan – email address david.whelan@southribble.gov.uk

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 Monitoring Officer will in assessing the complaint assume the allegation to be true and then ask the following questions:-

1. was the councillor a sitting councillor at the time of the alleged behaviour? And
2. was the councillor acting in that capacity at that time (it is a rebuttable presumption they were)? And
3. Is the behaviour complained of a breach of the code of conduct?

If the answer to any of those 3 questions is no then the complaint will be rejected.

The Monitoring Officer will then decide if it is in the public interest for it to proceed. In assessing the public interest the following factors will be taken into account:

- Does the complaint appear to be malicious, vexatious, politically motivated or tit-for-tat
- Has there been a similar previous complaint(s) which has already been resolved.
- Is the complaint 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
- Is the complaint 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

The Monitoring Officer will also consider:

- The experience of the Member,
 - Whether the Member has exhibited any contrition
- If there is a wider problem throughout the authority which ought to be addressed on a more corporate basis
- Whether in the circumstances training or conciliation would be the appropriate response.

Having applied the public interest test the Monitoring Officer, in consultation with an Independent Person, will decide to either

- Take no action; or
- Refer the matter for Informal Resolution; or
- Refer the complaint for investigation; or
- Take any action they feel would resolve the issue.

In reaching the decision the Monitoring Officer must have regard to the views of the Independent Person and must, should they decide not to follow the IP's recommendation, provide reasons for departing from it.

Notification of Subject of Complaint

The subject of a complaint will only be notified of it should the decision of the Monitoring Officer and Independent Person be that the 3 stage test and public interest test have been satisfied and further action is required.

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.

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.

Where the Monitoring Officer offers Informal Resolution and the subject members declines the complaint would usually be referred for investigation.

Investigation

If the Monitoring Officer decides that a complaint merits formal investigation then he may appoint an Investigating Officer. The Investigating Officer will usually meet the complainant, the subject of the complaint and any other person they think appropriate to undertake a fair investigation. They may also review other evidence such as but not limited to documents or recordings of meetings or the incident.

All members are reminded that the Code of Conduct includes a requirement on members to co-operate with standards investigations.

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.

The Investigation may recommend:-

- No identified breach of the code of conduct; Having reviewed the report and if satisfied with the recommendation, the Monitoring Officer will issue a Confirmation Decision confirming no breach, notify the Subject Member and complainant and close the matter.
A copy of the report and Confirmation Decision will be made available to the Independent Person and Parish Council Clerk if the subject member is a parish councillor.

If the Monitoring Officer is not satisfied the investigation has been conducted satisfactorily, they will refer it back to the Investigating Officer seeking reconsideration of the points at issue.

- There is an identified breach or breaches of the code of conduct; If the Monitoring Officer agrees with the conclusion of the Report they will either
 - After consultation with the Independent Person seek Informal Resolution; or
 - Arrange for a Hearing Panel to consider the complaint and determine the outcome.

Hearings Panel

The Hearings Panel will consist of either the full Standards Committee or a sub-committee of that Committee, no less than 3 members. The Monitoring Officer in consultation with the Chair of Standards Committee will decide on which is the most appropriate in the circumstances of the individual complaint.

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.

The Council has agreed a procedure for local hearings which is attached as Appendix A.

The Chair of the Hearing Panel will usually follow the procedure but has the absolute discretion to depart from it and any such departure will not of itself invalidate the hearing.

At the conclusion of the Hearing the panel may find that there is no breach or that a member has failed to comply with the Code of Conduct.

Where there is a finding of breach Hearings Panel may –

- Publish its findings in respect of the Member's conduct; and/or
- Report its findings to Council (or to the Parish Council) for information; and/or
- Censure; and/or
- 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; and/or
- Recommend to the Leader of the Council that the Member be removed from the Executive, or removed from their Portfolio responsibilities; and/or
- Recommend to full Council that the Member be removed from a or all committee membership(s); and/or
- Instruct the Monitoring Officer to (or recommend that the Parish Council) arrange training for the Member; and/or
- 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); and/or
- 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; and/or
- 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.
- Refer any criminal conduct identified to the Police or other regulatory body.

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.

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.

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.

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.

General Matters

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

The Independent Person(s)

The Independent Person must be a person who has applied for the post following advertisement of 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.

Anonymous Complaints

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.

HEARINGS PROCEDURE

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.

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.

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.

Conclusions of the Panel

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.

28. Both the subject member and the complainant should be informed in writing of the outcome of the Panel Hearing within 2 working days.

Agenda Item 6



The council is committed to providing elected Members with learning and development opportunities to help them gain the necessary knowledge and skills to fulfil their roles as frontline Councillors operating at ward level and also as decision makers for the Authority.

Learning opportunities for Councillors are available in a range of formats:

- Monthly Member Learning Sessions are scheduled into the council's meetings calendar most months and are dedicated to topics which have arisen through individual learning plans; corporate initiatives and updates on key council developments.
- Dedicated Member training sessions on topics, which Members have identified. These are usually longer sessions eg. a session on how the budget for the council is compiled.
- Individual conferences and events for individual training needs eg. for portfolio holders or in response to direct requests from Members to attend courses or conferences. Each request is looked at in the context of skills development and also budgetary constraints.
- Electronic learning opportunities are increasing and are likely to form a greater part of Member training in the future.

To get a flavour of the types of training opportunities available to members this year sessions have included Leading by Example: Code of Conduct, Ethical Decision-Making & GDPR, safeguarding, questioning techniques.

There is a Member Development Steering Group established to drive the Member training and development programme. This is a group of councillors from different political groups who meet to review and evaluate training opportunities. They champion different ways of delivering training and development with their political group colleagues. The remit of this group also includes wider Member support issues.

All Members are asked to take part in compiling and reviewing a Personal Development Plan to consider what training and information needs they may have and also to record the training and development events they attend.

If you would like to speak to someone regarding any aspect of Member development please contact:

Darren Cranshaw

Head of Democratic Services

Tel: (01772) 625563

darren.cranshaw@southribble.gov.uk

Ruth Rimmington

Democratic Services Team Leader

Tel: (01257 515118)

ruth.rimmington@southribble.gov.uk

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