

Members' and Co-opted Members' Code of Conduct

You are a member or co-opted member of the Lancashire County Council and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Accordingly, when acting in your capacity as a member or co-opted member:

You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.

You must declare any disclosable pecuniary or non-pecuniary interests that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out below.

You must always treat people with respect, including the organisations and public you engage with and those you work alongside.

You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly (including for political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

You must behave in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.

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You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

You must take account of relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.

1. Registering and declaring disclosable interests

- 1.1 You must, within 28 days of your election or appointment to office as a member or co-opted member, notify the Council's Monitoring Officer in writing of any disclosable interests you have. Disclosable interests may be pecuniary or non-pecuniary (see paragraph 2 below).
- 1.2 You must notify the Council's Monitoring Officer in writing within 28 days of becoming aware of any changes to a disclosable interest previously notified or of any new disclosable interest not previously notified.
- 1.3 If a disclosable interest, has not been entered onto the Council's register, then the member or co-opted member must disclose the interest to any meeting of the Council at which they are present, where they have a disclosable interest and where the matter is not a 'sensitive interest' (*see section 4 below*).
- 1.4 Following disclosure of a disclosable interest not on the Council's register or the subject of pending notification, you must notify the Monitoring Officer in writing of the interest within 28 days beginning with the date of disclosure.
- 1.5 You must disclose any disclosable interest at the beginning of any meeting or decision making session at which a matter relevant to your interest is considered.
- 1.6 Unless dispensation has been granted by the Conduct Committee, you may not participate in any discussion of, vote on, or discharge any executive or non-executive function related to any matter in which you have a disclosable pecuniary interest.
- 1.7 Section 34 of the Localism Act 2011 creates a number of criminal offences relating to the disclosure of pecuniary interests.

It is a criminal offence if, without reasonable excuse, you:

- (a) fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of your election or appointment as a Member or Co-opted Member of the Council, or
- (b) fail to disclose the interest at a meeting which you attend, where the interest relates to a matter to be considered, and where the interest has not been entered in the register of interests, or

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- (c) in the case of an interest falling under (b), do not notify the Monitoring Officer within 28 days of the disclosure, or
- (d) participate in any discussion or votes at a meeting where you have disclosed, or ought to have disclosed, a pecuniary interest*, or
- (e) as an executive member, have a disclosable pecuniary interest in a decision which you would otherwise take and have taken any steps in relation to the matter to which the interest relates other than to enable the decision to be taken by another executive member; or
- (f) knowingly or recklessly provide information that is false or misleading in relation to any of the above matters.

* note – dispensations apply to certain pecuniary interests which allows a Member or Co-opted Member to participate in a discussion and vote (see section 5.2). The Council's Monitoring Officer will advise where any such dispensation applies.

A person who is guilty of such an offence is liable upon conviction to a fine of up to level 5 (currently £5,000) and the person may also be disqualified from being or becoming a Member or Co-opted Member of the Council for up to five years."

2. Definitions

2.1 Pecuniary Interests

Disclosable pecuniary interest means an interest of a description specified below which is your interest, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife, or as if you were civil partners and you are aware that that other person has the interest.

Interest	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

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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	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:</p> <ul style="list-style-type: none">(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	<p>Any beneficial interest in land which is within the area of the relevant authority.</p>
Licences	<p>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</p>
Corporate Tenancies	<p>Any tenancy where (to M's knowledge):</p> <ul style="list-style-type: none">(a) the landlord is the relevant authority; and(b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	<p>Any beneficial interest in securities of a body where:</p> <ul style="list-style-type: none">(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and(b) either:<ul style="list-style-type: none">(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or



- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

2.2 Non-Pecuniary Interests

Disclosable non-pecuniary interest means an interest of a description specified below which is your interest, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife, or as if you were civil partners and you are aware that that other person has the interest.

Interest	Description
Outside Bodies	Any position of general control or management, or membership of any body, except where you have been nominated to that body by the County Council
Gifts and Hospitality	Any person or body from whom you have received a gift or hospitality with an estimated value above £50 (see section 6)

Explanation of the terms used in this section:

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;

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M means a member of a relevant authority;

meeting means any meeting of the Council, the Cabinet, any of the Council's or Cabinet's committees, sub-committees, joint committees, joint sub-committees, or area committees;

member includes a co-opted member;

relevant authority means the authority of which M is a member;

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

relevant person means M 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.

3. Register of Interests

Any interests notified to the Monitoring Officer will be included in the register of interests.

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

4. Sensitive Interests

Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

5. Non-participation in case of pecuniary interest

- 5.1 Where you have a disclosable pecuniary interest in any business of your authority:
- (a) You may not participate in any discussion or any vote on the matter and you must leave the room where the meeting is held while any discussion or voting takes place.

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- (b) If the interest is not registered, you must disclose the interest to the meeting.
 - (c) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer in writing of the interest within 28 days, for inclusion in the register of interests.
- 5.2 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a pecuniary interest that relates to the functions of your authority in respect of:
- (i) housing, where you are a tenant of a local authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.
- 5.3 Where, as an executive member, you may discharge a function alone, and you become aware of a pecuniary interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer in writing of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.
- 5.4 Dispensations may additionally be granted by the Conduct Committee. A member seeking a dispensation should apply, in the first instance, to the Monitoring Officer

6. Gifts and Hospitality

Members and Co-opted Members must (within 28 days of receiving it) notify the Council's Monitoring Officer in writing of any gifts or hospitality received under 2.2 above, the value of which is estimated at being over £50. "Hospitality" is defined as accommodation, food or drink, or entertainment which is provided free of charge or at a discounted rate. The requirement applies where the gifts or hospitality is received in

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your capacity as a member, rather than from friends or family, received from any person or body other than the authority.

Your notification must also give the identity of the donor of the gift or hospitality.

You should also make a notification of an accumulation of smaller gifts or hospitality valued at £50 or less received over a short period of time which when added together are valued above £50.

If you are uncertain of the value of a gift or hospitality you should declare it. It is also good practice to notify the Monitoring officer of offers of gifts or hospitality which have been offered but refused.

A failure to notify the Monitoring Officer of any gifts and/or hospitality over the value of £50 is a breach of the Council's Code of Conduct.

Any gifts or hospitality notified to the Monitoring Officer will be included on the Council's register of Gifts & Hospitality, a copy of which is available for public inspection and published on the Council's website.

However, where you consider that disclosure of the details of any gift or hospitality could lead to you, or a person connected with you, being subject to violence or intimidation the Monitoring Officer may agree to exclude from the Council's register such details as he considers appropriate and that information will not be included on the Council's register.

7. Complying with the Code of Conduct

- 7.1 You must undertake Code of Conduct training provided by the county council.
- 7.2 You must cooperate with any Code of Conduct investigation and/or determination.
- 7.3 You must not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- 7.4 You must comply with any sanction(s) imposed following a finding that you have breached the Code of Conduct.

Annex 1: Protocol for Members and Co-opted Members on Language and Behaviour

This protocol provides to Members and Co-opted Members of the county council guidance to support the requirement to promote equality through actions, behaviour and conduct (including use of social media) and the types of discrimination, bullying and harassment which can occur. This document should be read in conjunction with the Code of Conduct and forms part of it.

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

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The following are definitions of the nine protected characteristics of the Equality Act 2010. These are deemed to be protected from unlawful behaviour such as harassment and offensive behaviour.

Age: An individual of a certain age or in or not in a certain age group. Discrimination by perception (someone thinks you are (or are not) a specific age or age group) and discrimination by association (you are connected to someone of a specific age or age group) is also included as part of this protected characteristic.

Disability: An individual who has a mental, physical or progressive condition, which is substantially long-term and adversely affects their ability to carry out normally day-day activities. Discrimination by perception or by association is also included as part of this protected characteristic.

Gender Reassignment: An individual who is undergoing, has undergone or is planning to undergo a process (or part of a process) for the purpose of reassigning their sex by changing the physiological or other attributes of their birth sex to their preferred sex. Individuals do not need to have undergone any specific treatment or surgery to change from their birth sex to their preferred gender. It also covers individuals who dress in a particularly way to express their preferred sex, in order for them to show their preferred gender identity.

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Marriage and Civil Partnership: An individual who is legally married or in a civil partnership. Marriage can either be between a man and a woman, or between partners of the same sex. Civil partnership is between partners of the same sex.

Pregnancy and Maternity: Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Race: 'Race' includes; colour, nationality, citizenship, ethnic origins, or national origins. Race also covers ethnic and racial groups. This means a group of people who all share the same protected characteristic of ethnicity or race.

Religion and Belief: Religion or belief can mean any religion, for example an organised religion like Christianity, Judaism, Islam or Buddhism, or a smaller religion like Rastafarianism or Paganism, as long as it has a clear structure and belief system. This also covers non-belief or a lack of religion or belief. In addition, discrimination **by perception or association** is also included as part of this protected characteristic.

Sex: Applies to men and women of any ages and includes being treated differently because of their sex and discrimination by perception or association. This characteristic also provides protection against forms of unwanted behaviour such as unwanted sexual attention, advances and propositions, physical or verbal sexual approaches which are either deliberate, unreasonable, imposed or offensive to the recipient.

Sexual Orientation: Applies to any sexual orientation (or discrimination by perception or association) and includes how sexual orientation is expressed, such as through an individual's appearance or the places visited.

Discrimination can come in one of the following forms:

- Direct discrimination – treating someone with a protected characteristic less favourably than others.
- Indirect discrimination – putting rules or arrangements in place that apply to everyone, but that put someone with a protected characteristic at an unfair disadvantage.
- Harassment – unwanted behaviour linked to a protected characteristic that violates someone's dignity or creates an offensive environment for them.
- Victimisation – treating someone unfairly because they've complained about discrimination or harassment

In all of the above characteristics, the discrimination does not have to be re-occurring and can be a one-off event. It can include verbal threats of abuse, display of offensive

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material, any form of speech or action (such as nicknames, teasing, name-calling, pulling faces, jokes, pranks and comments) which are considered offensive, are deliberate and unwelcome or which are likely to bring the Authority into disrepute. Even if this behaviour is not deliberately meant to hurt the individual, it may still count as discrimination if they find it upsetting.



Annex 2: Public Interest Test

The following provides to Members and Co-opted Members of the county council information to support the requirement to comply with the Code of Conduct. This document should be read in conjunction with the Code of Conduct and forms part of it.

When applying the public interest test, the Monitoring Officer shall consider each of the following public interest factors set out below, and shall seek the views of an Independent Person as appropriate, in considering whether to investigate a complaint, and how that investigation should proceed.

These factors are not exhaustive, and not all may be relevant in every case. The weight to be attached to each of these factors, and the factors identified, will also vary according to the facts and merits of each case.

The seriousness of the breach.

- Whether the member is alleged to have deliberately sought personal gain for themselves or another person at the public expense.
- Whether the allegation is that a member has misused a position of trust or authority and caused harm to a person.
- Whether the alleged breach was motivated by any form of discrimination against the victim's ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity.
- Where there is evidence of previous similar behaviour on the part of the member.
- If the breach is such that it may damage public confidence in elected members or the council.
- The resources that would be required to undertake an investigation compared to the seriousness of the breach and the likely sanction even if the member was found to have breached the code.
- Any admission of guilt, apology or other action already taken by the member to resolve or mitigate the issue caused.
- Whether the complaint appears to be malicious, vexatious, politically motivated or trivial retaliation.

