

# Blackpool Council

12 January 2018

To: Councillors Clapham, Collett, Mrs Henderson MBE, Hunter, Jackson, I Taylor and L Williams

The above members are requested to attend the:

## **STANDARDS COMMITTEE**

Monday, 22 January 2018 at 6.00 pm  
in Committee Room A, Town Hall, Blackpool

## **A G E N D A**

### **1 DECLARATIONS OF INTEREST**

Members are asked to declare any interests in the items under consideration and in doing so state:

(1) the type of interest concerned either a

- (a) personal interest
- (b) prejudicial interest
- (c) disclosable pecuniary interest (DPI)

and

(2) the nature of the interest concerned

If any member requires advice on declarations of interests, they are advised to contact the Head of Democratic Governance in advance of the meeting.

### **2 MINUTES OF THE LAST MEETING HELD ON 20 JULY 2017** (Pages 1 - 4)

To agree the minutes of the last meeting held on 20 July 2017 as a true and correct record.

### **3 REGISTERING AND DECLARING INTERESTS** (Pages 5 - 22)

To consider an update report from the Monitoring Officer on the current situation concerning the registering and declaring of interests by elected members

#### **4 DATE OF NEXT MEETING**

To note the date of the next meeting as 12 June 2018.

##### **Venue information:**

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

##### **Other information:**

For queries regarding this agenda please contact Lorraine Hurst, Head of Democratic Governance, Tel: (01253) 477127, e-mail [lorraine.hurst@blackpool.gov.uk](mailto:lorraine.hurst@blackpool.gov.uk)

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at [www.blackpool.gov.uk](http://www.blackpool.gov.uk).

### **Present:**

Councillor Jackson (in the Chair)

Councillors

Clapham  
I Taylor

Collett  
L Williams

Mrs Henderson MBE Hunter

### **In Attendance:**

Mr Anthony Mozley, Independent Person

Mr Brian Horrocks, Independent Person

Mr Mark Towers, Director of Governance and Partnerships / Monitoring Officer

Mrs Lorraine Hurst, Head of Democratic Governance / Deputy Monitoring Officer

Mrs Bernadette Jarvis, Senior Democratic Governance Adviser

### **1 EXCLUSION OF THE PUBLIC**

**Resolved:** That under Section 100 (A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the whole item, including the decisions referred to at Agenda item 5 on the grounds that it would involve the likely disclosure of exempt information as defined in paragraphs 1 and 7 of Part 1 of Schedule 12A of the Act.

### **2 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **3 MINUTES OF THE LAST MEETING HELD ON 19 JULY 2016**

The Committee agreed that the minutes of the meeting held on 19 July 2016 be signed by the Chairman as a correct record.

### **4 WHISTLEBLOWING POLICY**

Mr Towers, Director of Governance and Partnerships / Monitoring Officer, reminded Members that under the Council's constitution the Standards Committee had a duty to monitor and review the Council's Whistleblowing Policy.

The current procedure had been reviewed and a revised procedure proposed. The proposed changes to the procedure were outlined to the Committee. Mr Towers confirmed that the proposed changes reflected the latest Council's constitution and supporting policies. The proposed changes also incorporated updates in current legislation. Changes to the departmental contacts list were also proposed to include additional named key contacts for dealing with whistleblowing cases. The suggested changes to the procedure reflected the best practice requirements from the Whistleblowing Commission – Code of Practice. Mr Towers confirmed that the Unions had no objection to the revised procedure.

## **MINUTES OF STANDARDS COMMITTEE MEETING – THURSDAY 20 JULY 2017**

Subject to the Committee's approval, the intention was to raise awareness of the Whistleblowing procedure throughout the Council and to provide relevant coaching to the proposed departmental contacts.

The Committee agreed to the revisions to the Whistleblowing Policy and Procedure.

### **5 STANDARDS UPDATE REPORT**

The Committee received an update report from Mr Towers on standards issues raised during the last 12 months under the standards framework for dealing with allegations of member misconduct.

Mr Towers provided Members with a schedule of matters arising since the last report to the Committee, categorised into areas of conduct relating to the alleged breach. Monitoring of issues was continually undertaken to identify particular patterns of behaviour.

A recent pattern of behaviour had been identified as relating to the non-disclosure of interests and a detailed report on this issue was included for consideration by the Committee as a separate agenda item.

The Committee agreed to note the update report and the issues raised to date.

### **6 REGISTER OF INTERESTS**

Mr Towers reported on recent cases of a failure to disclose of Disposable Pecuniary Interest on the Register of Interest form and one occasion of a failure to disclose a Disposable Pecuniary Interest at a meeting. The consequences of the failure to disclose a Disposable Pecuniary Interest were outlined to the Committee, which included the potential to commit a criminal offence. Where there had been failures in relation to Disposable Pecuniary Interests the cases had been referred to Lancashire Constabulary after due process had been followed, and the outcome of the referrals was awaited.

Mr Towers reminded the Committee of the obligations contained within the Code of Conduct in relation to the registering and disclosing of interests. The two types of interests were explained, which included the legal requirement for registering a Disposable Pecuniary Interest and the requirements in relation to the Code of Conduct for discretionary 'Local Choice' Interests.

The Committee was advised of the over reliance on officers in some instances to remind Elected Members of their obligations in relation to interests and Mr Towers emphasised the responsibility and accountability for Elected Members in registering and disclosing their interests. He emphasised the requirement to state the type of interest being disclosed at meetings.

## MINUTES OF STANDARDS COMMITTEE MEETING – THURSDAY 20 JULY 2017

Members were informed of a lack of case law relating to the interpretation of the Section 34 of Localism Act but legal advice suggested that the Government's intention in introducing the offences relating to the non-disclosure of a Disposable Pecuniary Interest had been to ensure that Elected Members did not abuse their position for their own gain, but this interpretation had yet to be tested.

The reasons put forward for the non-disclosure of a Disposable Pecuniary Interest at a meeting included the failure to notice the potential breach due to the number of agenda items and a lack of preparation for the meeting resulting in a lack of awareness of the potential interest. Further reasons for not registering and declaring interests included a lack of knowledge of the different types of interest and the lack of seeking advice from the appropriate officers.

Mr Towers reported on good practice to have in place a published protocol between the Police and the Council for the reporting of potential offences setting out clear roles and responsibilities. Following discussions with Fylde Borough Council's Monitoring Officer, it was recommended that a protocol to include initially Blackpool Council, Fylde Borough Council and Lancashire Constabulary be drafted and submitted to the Committee for approval at its next meeting.

The trend in relation to recent breaches had been discussed with the Independent Persons and Group Leaders and it was recommended, with the support of the Independent Persons, that Elected Members be required to attend mandatory face to face training and the completion of an IPool module. Mr Towers requested the Committee's support in helping to promote the message across all Elected Members regarding their responsibilities in terms of registering and declaring interests and preparing adequately for meetings. Support for the requirement for mandatory training of all Elected Members was also requested from the Committee.

Mr Towers reminded the Committee of the confidentiality surrounding the alleged breaches until the conclusion of the Police review, at which time it would be a matter of public record. He asked the Committee not to disclose any information relating to the cases under review or to implement any recommendations, if approved, until the Police decision was known which was expected in the next two weeks.

Mr Towers and the Chairman thanked the Independent Persons, for their ongoing help and support and for their assistance in formulating the recommendations currently before the Committee.

In response to a question from a Member of the Committee, Mr Towers emphasised the role of the officers in providing advice on the registering and declaring of interests but cautioned against an over reliance on officers as they were not always aware of an individual Elected Member's interests and the responsibility and accountability for declaring interests rested with the Elected Member.

The Committee agreed the recommendation that the Standards Committee:

## MINUTES OF STANDARDS COMMITTEE MEETING – THURSDAY 20 JULY 2017

1. Supports the creation of further interpretative guidance to assist in the completion of register of interest forms.
2. Following the production of this guidance, asks that all councillors review their register of interest form and update accordingly.
3. Agrees that councillors should be asked to review their forms on an annual basis, as well as within 28 days of any change to their circumstances and that any findings of non-disclosure are reported to the Monitoring Officer for further action.
4. Asks the Monitoring Officer to remind councillors to seek guidance from key officers should they have any queries about the register of interest form or when to declare an interest.
5. Supports the mandatory attendance by all councillors at face-to-face training on the Code of Conduct, including registering of interests and the creation and completion of an on-line iPool module relating to the same.
6. That the face-to-face training be undertaken by the end of October 2017 and a report be brought back to the Committee at a future meeting including attendance details, to be arranged for November or December 2017.
7. Supports the drafting of a protocol between Blackpool Council, Fylde Borough Council with Lancashire Constabulary for dealing with potential issues around disclosable pecuniary interests.
8. That the draft protocol at (7) above be brought back to the next meeting of the Committee for formal approval.

### 7 DATE OF NEXT MEETING

The Committee noted the date of the next meeting as Tuesday 28 November 2017.

### Chairman

(The meeting ended at 6.40 pm)

Any queries regarding these minutes, please contact:  
Bernadette Jarvis, Senior Democratic Governance Adviser  
[Tel:\(01253\) 477212](tel:01253477212)  
E-mail: [bernadette.jarvis@blackpool.gov.uk](mailto:bernadette.jarvis@blackpool.gov.uk)

<b>Report to:</b>	<b>STANDARDS COMMITTEE</b>
<b>Relevant Officer:</b>	Mark Towers, Director of Governance and Partnerships / Monitoring Officer
<b>Date of Meeting:</b>	22 January 2018

## REGISTERING AND DECLARING INTERESTS

### 1.0 Purpose of the report:

1.1 To consider an update report from the Monitoring Officer on the current situation concerning the registering and declaring of interests by elected members. At the last meeting of the Standards Committee, consideration was given to instances of failure to register and declare interests, in particular regarding the registration of disclosable pecuniary interests. The Committee agreed a number of recommendations including: mandatory training of all elected members with regard to registering and disclosing interests, an annual review of interests and the drafting of a protocol between the Council and the Constabulary for referring potential failures to register or declare disclosable pecuniary interests. This report gives an update on these issues.

### 2.0 Recommendation(s):

2.1 To endorse the interpretative guidance at Appendix 3a and request that the Monitoring Officer circulates it to elected members and to confirm that the Monitoring Officer keeps the guidance under review and publishes any revised version, as and when necessary.

2.2 To agree that elected members be asked to complete an annual review of their register of interest forms following each year's annual meeting, as well as within 28 days of any change to their circumstances.

2.3 To agree that the draft Protocol at Appendix 3b forms the basis of further discussion with Lancashire Constabulary.

2.4 To request that the Monitoring Officer reports to the Annual Council meeting to alter the constitution to reflect the change needed in dealing with declaration of interests in Executive Member reports at Council.

2.5 To support further training for members on the Code and related Protocols and to request the Monitoring Officer to report back at a future Committee meeting.

**3.0 Reasons for recommendation(s):**

3.1 To update members following the decisions agreed at the last meeting of the committee.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None.

**4.0 Council Priority:**

4.1 This report covers all of the Council's priorities.

**5.0 Background Information**

5.1 The Council approved a Code of Conduct for Elected Members in 2012 and an updated version in 2015. An obligation of the Code is for councillors to register their interests within 28 days of appointment to the Council and within 28 days of any change being effected.

5.2 The Register of Interests form is split into two particular categories:

**Disclosable Pecuniary Interests** – these are set out in law and must appear in every register of interest form. It is potentially a criminal offence not to update these interests within 28 days of election or appointment.

**'Local Choice' interests (to be retitled 'Personal Interests')** – these are what the Council has chosen should be registered and it is a breach of the code (but not a criminal offence) if these are also not registered in 28 days of becoming a councillor or within 28 days of becoming aware of the existence of that interest.



- 5.3 At the last meeting of the committee, I updated members on a number of incidents regarding elected member interests and the failure to register and declare interests. As stated above, some of these related to registration of disclosable pecuniary interests or in one case, failure to declare a disclosable pecuniary interest at a meeting. Where there have been failures in relation to disclosable pecuniary interests, these cases had been referred to Lancashire Constabulary for consideration. All of the cases referred have resulted in no further action being taken other than endorsing the Committee's initial recommendation that training be held for elected members (in this specific area) and that a protocol be agreed between the Council and the Constabulary.
- 5.4 The Committee agreed a number of actions to assist in helping seek better compliance with regard to the code of conduct and the registering and declaring of interests. These can be summarised as follows:
- Supporting the mandatory attendance by all councillors at face-to-face training on registering and declaring interests
  - Supporting the creation of further interpretative guidance to assist in the completion of register of interest forms
  - Agreeing that councillors should be asked to review their forms on an annual basis, as well as within 28 days of any change to their circumstances and that any findings of non-disclosure are reported to the Monitoring Officer for further action
  - Supporting the drafting of a protocol between Blackpool Council, Fylde Borough Council with Lancashire Constabulary for dealing with potential issues around disclosable pecuniary interests.
- 5.5 **Mandatory Training** – since the last meeting of the committee, a series of specific face to face training events have been held with good attendance by members. So far five training events have been held with 34 elected members attending. A further event is scheduled for later this month where it is hoped that the remaining members will attend. (Should the need arise, a further event will be held to ensure all elected members have attended). The training has been interactive and has been received positively by members.
- 5.6 **Interpretative Guidance** – a proposed guidance document for registration of interests is attached at Appendix 3a. This has helped form the basis on which the training has been delivered and has been added to and clarified during the course of the training as issues have been raised. It is recommended that the Committee endorses the guidance, requests the Monitoring Officer to circulate it to elected members following the committee and confirms that the Monitoring Officer keep it under review and publishes any revised version, as and when necessary.

- 5.7 **Annual Review of Register of Interest Forms** – this is considered good practice and it is recommended that this be undertaken following the Annual Meeting of Council each year. This would also be useful in picking up any possible changes to outside bodies which are also done at this time of year. Members will be reminded that this does not replace the requirement for changes to be updated within 28 days.
- 5.8 **Protocol for Referrals** – based on the experience of the recent referrals and also taking into account good practice from other local authorities around the country, a draft protocol is attached at Appendix 3b. It is recommended that the draft Protocol serves as a working document for consideration with Lancashire Constabulary with a final draft being brought back for endorsement to the Committee in June.
- 5.9 **Seeking advice and interpretation** – since the training has taken place, there appears to be an improvement with regard to understanding of interests and a significant number of registration forms have been updated by members as a result. In connection with declarations at meetings, the prompt on agendas for committees and Council has been changed to assist.
- 5.10 **Changes to the constitution** – there is a need to make a minor constitutional change to the way declarations of Disclosable Pecuniary Interests (DPIs) and prejudicial interests are dealt with at full Council meetings when Executive Member reports are presented. The change will necessitate an ‘ask and answer’ procedure to be put in place. In practice this will not be on a regular basis but it is recommended that the Council formally adopts the change at the Annual meeting and that the Monitoring Officer updates the constitution.
- 5.11 **Further elected member training** – focusing on a specific area of the Code of Conduct has worked well and it is recommended that further training on the same format is held for elected members with regard to the following:
- Members’ Code of Conduct and standards of behaviour
  - Working relationships with officers with reference to the ‘Protocol on Member/Officer Relations’
  - Planning Protocol (for Planning Committee members)
- 5.12 Does the information submitted include any exempt information? No
- 5.13 **List of Appendices:**  
Appendix 3a – Updated Registration of Interests form including interpretative guidance  
Appendix 3b – Draft Protocol between Lancashire Constabulary and the Monitoring Officer of Blackpool Council

**6.0 Legal considerations:**

6.1 The Localism Act 2011 sets out the standards framework for local authorities and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 set out the pecuniary interests that should be registered and declared at meetings.

**7.0 Human Resources considerations:**

7.1 None

**8.0 Equalities considerations:**

8.1 None

**9.0 Financial considerations:**

9.1 There are no financial implications associated with this report.

**10.0 Risk management considerations:**

10.1 None

**11.0 Ethical considerations:**

11.1 None

**12.0 Internal/ External Consultation undertaken:**

12.1 All elected members have (or will have) had chance to hear the interpretative guidance as part of the training and the appointed Council independent persons and Mrs Morrison, the Monitoring Officer of Fylde Borough Council have been involved in the issues under consideration.

**13.0 Background papers:**

13.1 None.

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**Members' and Co-opted Members'  
Register of Disclosable Pecuniary Interests and Personal Interests**

Full Name:

Address:

**Important - You must read the following declaration below and sign to indicate that you understand and agree.**

**Declaration:**

I give notice that I have set out my interests below in the appropriate areas and have put '**None**' where there are no changes in such an interest in any area.

I understand and acknowledge the following:

1. I must complete, sign and return this notice to the Monitoring Officer **within 28 days of my election or appointment to office.**
2. If any of my interests change, I must complete the necessary amendment form and return this to the Monitoring Officer **within 28 days of the change.**
3. I understand that *Disclosable Pecuniary Interests* include not only my interests, but also the interests of my spouse or civil partner, a person with whom I am living as husband or wife or a person with whom I am living as if they were a civil partner (so far as I am aware of the interests of that person).
4. I understand that it is a criminal offence and that I can be referred to the Police and face a conviction and fine of up to £5,000 or disqualification of up to five years if I:
  - i. fail to register a Disclosable Pecuniary Interest (DPI) with the Monitoring within 28 days of my election or re-election
  - ii. fail to declare at a meeting any Disclosable Pecuniary Interest which is not yet registered or notified to the Monitoring Officer
  - iii. take part in the debate, vote at any meeting or seek to influence a decision where I have a registered or unregistered Disclosable Pecuniary Interest
  - iv. if I have declared an unregistered Disclosable Pecuniary Interest at a meeting, fail to register that within 28 days of that declaration
  - v. provide false or misleading information in relation to any registration or be reckless as to its accuracy
  - vi. take any steps or further action on a matter in which I have a Disclosable Pecuniary Interest other than referring it elsewhere.

5. I understand that the *Personal Interests* registered should also be declared at meetings and that these would become *Prejudicial Interests* in certain circumstances and that failure to declare these can result in a referral to the Monitoring Officer as a breach of the Code of Conduct.
6. I understand that I must, **within 28 days of receiving any gift or hospitality in my capacity as a Member, with an estimated value £25 or more**, provide written notification by completing the 'Registration of gifts and hospitality' form and returning it to the Monitoring Officer.
7. I understand that regular that any findings of non-disclosure within the prescribed time limits will result in a referral to the Monitoring Officer for further action and if it relates to a Disclosable Pecuniary Interest can result in a referral to the Police.
8. I recognise that I have a legal duty to complete this form and that I must not:
  1. Omit any information which ought to be given in this notice
  2. Provide information that is materially false or misleading
  3. Fail to update this information as my circumstances change.

Signature	
Date	

Please return forms to:

The Monitoring Officer  
 Democratic Governance  
 Blackpool Council  
 PO Box 4  
 Blackpool  
 FY1 1NA

Received by:

Monitoring Officer's signature (or Deputy)	
Date	

## Amendment Record

Amendment(s)	<b>Marked 1*</b>	<b>Date</b>
Signature		
Monitoring Officer's Signature (or Deputy)		
Amendment(s)	<b>Marked 2*</b>	<b>Date</b>
Signature		
Monitoring Officer's Signature (or Deputy)		
Amendment(s)	<b>Marked 3*</b>	<b>Date</b>
Signature		
Monitoring Officer's Signature (or Deputy)		
Amendment(s)	<b>Marked 4*</b>	<b>Date</b>
Signature		
Monitoring Officer's Signature (or Deputy)		

### Notes:

- Please retain one copy for your own records and send the original to the Monitoring Officer
- Your current register of interests can be viewed in the 'Your Councillors' area on the Council's website at [www.blackpool.gov.uk/Your-Council/Your-councillors](http://www.blackpool.gov.uk/Your-Council/Your-councillors)

**Part 1: Disclosable Pecuniary Interests**

- Please answer all parts of this form. You must enter information in each area or put ‘none’ if you do not have an interest.
- **A separate guidance note is included at the end, which you should read when completing the form.**

Disclosable pecuniary interest	You	Your spouse or civil partner, a person with whom you are living with as husband or wife, or a person with whom you are living as if they were a civil partner
<p>a) <b>Employment, office, trade, profession or vocation</b></p> <p>Any employment, office, trade, profession or vocation carried on for profit or gain.</p>		
<p><b>Sponsorship</b></p> <p>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 you in carrying out duties as a member, or towards your election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>		
<p>c) <b>Contracts</b></p> <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> <ol style="list-style-type: none"> <li>i. under which goods or services are to be provided or works are to be executed; and</li> <li>ii. which has not been fully discharged.</li> </ol>		



Disclosable pecuniary interest	You	Your spouse or civil partner, a person with whom you are living with as husband or wife, or a person with whom you are living as if they were a civil partner
<p>d) <b>Land</b></p> <p>Any beneficial interest in land which is within the area of the relevant authority.</p>		
<p>e) <b>Licences</b></p> <p>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</p>		
<p>f) <b>Corporate tenancies</b></p> <p>Any tenancy where (to your knowledge)</p> <p>i. the landlord is the relevant authority; and</p> <p>ii. the tenant is a body in which the relevant person has a beneficial interest.</p>		
<p>g) <b>Securities</b></p> <p>Any beneficial interest in securities of a body where</p> <p>i. that body (to your knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>ii. either—</p> <p>a. 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>b. 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.</p>		

## Part 2: Personal Interests

- Please answer all parts of this form. You must enter information in each area or put 'none' if you do not have an interest.

**Please provide details of your membership of, or your occupation of a position of general control or management in any of the following:**

<p>a) Details of any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority.</p> <p><i>Examples: Any outside organisation that you have been appointed to by the Council eg Council owned company, Combined Fire Authority, Blackpool Boys and Girls Club Management Committee, Blackpool Citizens Advice Bureau Management Committee etc</i></p>	
<p>b) Details of any body exercising functions of a public nature of which you are a member or in a position of general control or management.</p> <p><i>Examples: Clinical Commissioning Group/Governing Body, school governing bodies, or other public body where you have not been appointed to by the Council etc</i></p>	
<p>c) Details of any body directed to charitable purposes of which you are a member or in a position of general control or management.</p> <p><i>Examples: Any charitable trusts or community/voluntary organisations eg NSPCC, Cancer Research UK, Salvation Army, Rotary Club, or Freemason Lodge, National Trust etc</i></p>	
<p>d) Details of any body whose principal purposes include 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</p> <p><i>Examples: political parties, single interest action groups, Friends of the Earth, Unison, Unite, USDAW etc</i></p>	

## Additional guidance on Disclosable Pecuniary Interests:

Disclosable pecuniary interest	Guidance notes
<p>a) <b>Employment, office, trade, profession or vocation</b> Any employment, office, trade, profession or vocation carried on for profit or gain.</p>	<p><i>You should show every employment, office, trade, profession or vocation that you and your spouse/partner receive remuneration for, other than simply repayment of expenses – a good example may be those that you have to declare for income tax purposes.</i></p> <p><i>You should include details of any employment/office/trade etc whether or not this is in Blackpool.</i></p> <p><i>Give a short description of the activity concerned; for example ‘Computer Operator’ or ‘Accountant’ and the name of the organisation. You do not need to give the full address but you should include the location where the organisation operates.</i></p> <p><i>Council appointments to outside bodies, including those for which an allowance or other remuneration is received, would not normally be registered in this part of the form - instead, these should be registered in Part 2(a) of the form (ie Council appointments to outside bodies).</i></p> <p><i>However, please note that any other employment, office, profession etc that you or your spouse/partner carries out for profit or gain <u>of your own volition</u> must be listed here.</i></p>
<p>b) <b>Sponsorship</b> 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 you in carrying out duties as a member, or towards your election expenses.  This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>	<p><i>You should declare the name of any person or body who has made any payments to you or your spouse/partner towards expenses as a councillor or towards election expenses.</i></p> <p><i>This may also include expenses where you spouse/partner stood for election but was not successful.</i></p> <p><i>You do not need to declare the amounts of any payments, only the name of the person or body making them.</i></p> <p><i>Payment of election expenses by a third party would usually mean a political party at election time.</i></p> <p><i>This section would also include any payment or financial benefit for joint election campaigns ie where there is more than one election taking place at the same time.</i></p> <p><i>You do not need to declare if you pay your election expenses yourself.</i></p>
<p>c) <b>Contracts</b> 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>	<p><i>You should describe all contracts for goods or services of which are aware made between Blackpool Council (or an organisation contracted to carry out business on its behalf) and yourself or your spouse/partner or a body in which either of you have a beneficial interest.</i></p>

Disclosable pecuniary interest	Guidance notes
<p>i. under which goods or services are to be provided or works are to be executed; and</p> <p>ii. which has not been fully discharged.</p>	<p><i>You should include the name of the company and a brief description of the goods, services or works included in the contract and relevant dates.</i></p> <p><i>If part of a group of companies, you should give the name of the individual company and not the parent company or other subsidiary.</i></p> <p><i>You need not say what the financial arrangements are or the contract terms, but you should state the dates of the contract if known.</i></p> <p><i>If the contract has been completed (ie no more services or payments arising) you do not need to include it.</i></p>
<p><b>d) Land</b></p> <p>Any beneficial interest in land which is within the area of the relevant authority.</p>	<p><i>You should include any land and buildings in Blackpool in which you or your spouse/partner have a beneficial interest.</i></p> <p><i>If you live in the Borough you should include your home under this heading whether as owner, landlord, tenant or lodger, whether or not you pay the mortgage/rent. You should also include any property from which you or your spouse/partner receives rent, or of which you or your spouse/partner are the mortgagee or own outright.</i></p> <p><i>You should give the address or a brief description to identify it.</i></p> <p><i>'Land' also includes any buildings or parts of buildings.</i></p>
<p><b>e) Licences</b></p> <p>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</p>	<p><i>You should include land in Blackpool which you or your spouse/partner have a right to occupy for more than a month, but neither own nor have tenancy of.</i></p> <p><i>Examples includes any allotments you use, a market licence or a street trading licence.</i></p> <p><i>You should give the address or a brief description to identify it.</i></p> <p><i>'Land' includes any buildings or parts of buildings.</i></p>
<p><b>f) Corporate tenancies</b></p> <p>Any tenancy where (to your knowledge)</p> <p>i. the landlord is the relevant authority; and</p> <p>ii. the tenant is a body in which the relevant person has a beneficial interest.</p>	<p><i>Include here any land or property leased (tenanted) to your knowledge from the Council to:</i></p> <p><i>(a) any firm in which you or your spouse/partner is a partner or director or</i></p> <p><i>(b) a body in which you or your spouse/partner has a beneficial interest (eg owns shares).</i></p> <p><i>'Director' includes a member of the management committee of an industrial and provident society.</i></p>

Disclosable pecuniary interest	Guidance notes
	<p><i>As this relates to <u>corporate</u> tenancies, you do not need to include your property if you are a Council house residential tenant.</i></p>
<p><b>g) Securities</b></p> <p>Any beneficial interest in securities of a body where</p> <p>i. that body (to your knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>ii. either—</p> <p>a. 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>b. 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.</p>	<p><i>You should list the names of any companies, industrial and provident societies, co-operative societies, or other bodies corporate that (to your knowledge) are active in the Borough and in which you or your spouse/partner have a substantial interest (see below).</i></p> <p><i>You do not need to show the value of your interest.</i></p> <p><i>You have a substantial interest if:</i></p> <ul style="list-style-type: none"> <li>• <i>you or your spouse/partner owns shares or other securities in the company with a nominal value of more than £25,000</i></li> <li>• <i>you or your spouse/partner owns more than 1/100th of the issued shares or securities. If there are several classes of shares or securities, the fraction of 1/100th applies to any of these classes.</i></li> </ul> <p><i>The company or body corporate is active in the Borough if it has land or a place of business in the Borough.</i></p> <p><i>For the avoidance of doubt, £25,000 does not include any savings.</i></p>

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## Protocol between Lancashire Constabulary and the Monitoring Officer of Blackpool Council

### 1. Background

- 1.1 Section 34 of the Localism Act 2011, introduced summary offences relating to elected and co-opted members' failure to register / disclose and participate in meetings where they have certain 'Disclosable Pecuniary Interests'. These are detailed in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 [no 1464].
- 1.2 This Protocol sets out the framework for reporting and dealing with potential criminal offences arising from the failure to register or declare Disclosable Pecuniary Interests (DPIs) or from speaking and voting where a member has a disclosable pecuniary interest and has not first sought a dispensation.

### 2. Receipt of allegation

- 2.1 If the Police receive an allegation, they will inform the relevant Monitoring Officer of the Council.
- 2.2 If the Monitoring Officer receives a complaint regarding a potential DPI, they will make an initial assessment, considering factors including but not exclusively:
- the public benefit in investigating the alleged complaint
  - whether the information submitted is sufficient to make a decision as to whether to refer for investigation
  - whether the subject member is still a serving member
  - is the complaint the same or similar to a previous complaint
  - the time passed since the alleged conduct occurred
  - does the complaint appear to be malicious, politically motivated or vexatious
  - whether the matter complained of is an individual act or part of a continuous pattern of behaviour which should be cumulatively considered
  - steps taken or proposed to remedy the action complained of.
- 2.3 If following the initial assessment, the Monitoring Officer decides to refer the matter to the Police, this will be done through the nominated Police Single Point of Contact (SPOC). The Monitoring Officer will at that point also consult with the Council's independent person.
- 2.4 The Monitoring Officer may informally consult the Police SPOC to help inform any proposed course of action, which may or may not be a referral.

2.5 If a referral to the Police is made, Lancashire Constabulary will register the complaint. The SPOC will exercise professional discretion in accepting the referral for police investigation, taking into account the nature and quality of evidence in the referral, the sufficiency of evidence, proportionality of obtaining sufficient evidence, public interests factors in undertaking the investigation and as appropriate, the Crown Prosecution Service view.

**3. Consideration of allegation if referred**

3.1 Following consideration of the matter, the Police shall confirm their decision and any action or prospective action to the relevant Monitoring Officer and other appropriate person(s). This would normally be within 28 days of receipt of the referral.

3.2 If an investigation is to be held, the relevant authority will fully support the Police in the investigation.

3.3 If Lancashire Constabulary decides not to prosecute in the public interest, they may consider less formal action, such as a warning or referral back to the authority to consider whether the complaint should be considered as a breach of the Code of Conduct through the relevant procedure.

**4. Signatories**

Signed on behalf of Lancashire Constabulary: \_\_\_\_\_

Signed on behalf of Blackpool Council: \_\_\_\_\_  
Mark Towers, Monitoring Officer