

REPORT TO: Standards Committee

DATE: 17th July 2012

REPORTING OFFICER: Operational Director Legal and Democratic Services/Monitoring Officer

SUBJECT: Declaration of Interests of Members

WARDS N/A

1.0 PURPOSE OF THE REPORT

1.1 To report on the local application of the systems for declarations of interest by Members in order to maintain the values of good governance and ethical behaviour.

2.0 RECOMMENDATION: That the Committee notes the Report.

3.0 SUPPORTING INFORMATION

3.1 At the meeting of the Committee on 25th May 2011, the third annual report on the Declarations of Interests by Members was submitted.

3.2 The purpose was to remind Members that integrity in Local Government is essential to command the confidence of the community and of all organisations with which the Council comes into contact.

3.3 The Report offered a reminder as to personal and prejudicial interests.

3.4 Personal interests are where the issue being discussed in the meeting affects the wellbeing or finances of a Member or his or her family or close associate more than most other people who live in the area affected by the issues. Personal interests also relate to matters which must be registered by Members.

3.5 Personal and prejudicial interests go a stage further and are personal interests which affect a member or his or her family or close associates in terms of their finances or regulatory functions such as Licensing or Planning, and which a reasonable member of the public with knowledge of the facts would believe likely to harm or impair the Member's ability to judge the public interest.

3.6 The Council has a challenging culture of Declarations of Interest. The prime responsibility rest with individual members, but the practical expression of the culture takes various forms.

- the Declaration of Interests by Members at the start of meetings, both formal and informal

- availability of guidance from the Monitoring Officer and his staff
- the completion of the Register of Interests
- the annual sending out of a Declaration form which forms an opportunity to reflect and self-review
- guidance and training
- engaged involvement by the Standards Committee
- sending out forms from Committee Services when a new interest becomes apparent at a meeting.

3.7 The Register is held by the Principal Committee Services Officer. Members are sent fresh forms to complete each May and, as stated, also receive a form should new interests be declared at any meetings during the year. There is a list on each Councillor's page on the Councils web site indicating that information on interests is publicly available on request from Committee Services. All newly elected members of the Council were invited to the Council's Member Induction Programme in May 2012 when further advice was given by the Monitoring Officer on Declarations of Interest.

3.8 Committee Services also maintain the register of gifts of hospitality. Members are required to register any gifts or hospitality worth £25 or more received in connection with official duties as a member. There should also be provided details of the person who makes the offer or gives the gift or hospitality. This must be done within 28 days of receipt. At meetings when an Item is under discussion which is likely to affect the giver of the gift or hospitality, then the existence and nature of the gift must be declared by the Member as well as the name of the giver and how the business relates to that person. The Member must then consider whether the interest is also a prejudicial interest. The Monitoring Officer looks at the register of gifts and hospitality periodically, and it is clear to him that Members are aware of its existence and using it. Since 1st May 2011 there have been 12 entries by Members and 21 by officers.

3.9 As is apparent from another Item on this Agenda, Members are being asked to approve a new Code of Conduct. This contains provisions in respect of Declarations of Interests, and arises out of the Localism Act 2011. The Government have brought in a new category of interests, Disclosable Pecuniary Interests. To fail to disclose them or take part in decisions when they exist can amount to a criminal offence. Following the adoption of a new Code of Conduct by the Council, the Register of Interests would be updated to take account of the Act which comes into operation on 1st July. This requires the publication on the Council's web-site of Members interests, and indeed those of Parish Councillors as well.

4.0 POLICY IMPLICATIONS

4.1 The Localism Act 2011 has redefined interests of Members, and publication of the Register will follow the requirements of the Act.

5.0 OTHER IMPLICATIONS

5.1 None

6.0 EQUALITY AND DIVERSITY ISSUES

6.1 None

7.0 RISK ANALYSIS

7.1 Failure to comply with the Registration and Declaration requirements would amount to a breach of the Code of Conduct and have serious consequences for both Member and Authority. Furthermore, breach of the new provisions may well amount to a criminal offence.

8.0 IMPLICATIONS FROM THE COUNCILS PRIORITIES

8.1 None

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

9.1 None