



<b>REPORT OF:</b>	<b>MONITORING OFFICER</b>
<b>TO:</b>	<b>STANDARDS COMMITTEE</b>
<b>ON:</b>	<b>17 MARCH 2016</b>

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**SUBJECT: Disclosure of Interests – Council Constitution**

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## **1. PURPOSE OF THE REPORT**

To consider and review current advice contained in the Constitution and whether further guidance should be provided.

## **2. RECOMMENDATIONS**

The Standards Committee is asked:

To receive the report and consider if further guidance is necessary on the Declaration of Interests for members, or in the alternative, if they are content the current guidance is sufficient to provide members with relevant information on which to make their respective personal declarations as may be appropriate.

## **3. BACKGROUND**

The current Code of Conduct advises of the Legal position and personal requirements of elected members in respect of disclosing various personal and pecuniary interests. The current extract from the Constitution is set out in **Appendix A** (Constitution pages 195-204)

As part of the work programme this year the Standards Committee has agreed to review this advice and guidance to ensure it remains appropriate and assists members effectively to make their personal declarations (as appropriate) and act accordingly.

## **4. RATIONALE**

The Council has a duty to under section 27(1) of the Localism Act 2011 promote and maintain high standards of conduct by members and co-opted members. A number of elected members will from time to time be in a position where they need to consider making a declaration of interest and then act accordingly with the guidance in the Constitution to remain within the law.

The Council's current Code of Conduct set out in **'Appendix A'** (Constitution pages 195-204) sets out the expectation as regards the Disclosure of interests. The Code goes on to describe and advise on how the member should conduct themselves given any disclosure in the event of an issue of interest arising, i.e. relating to participation or otherwise in debates.

The current Code guidance reflects the requirements of the Localism Act 2011 and the related expectations on the probity and honesty of elected members as described in the principles referenced above.

Under the Localism Act 2011, Local Authorities must adopt a Code of Conduct and may also provide any supplementary guidance to ensure that high standards of conduct are maintained in all aspects of their role as members of the Council.

The Committee is asked therefore to consider if the current advice and guidance is adequate or identify where the Council may provide some additional guidance to members as regards this issue.

It is important for members to note that Members are themselves responsible for compliance with the Members Code of Conduct with any reported breach being dealt with under complaints procedure. Criminal sanctions apply for failure to register and declare Disclosable Pecuniary Interests.

## **5. POLICY IMPLICATIONS**

Constitutions set out the governance framework for local authorities, which provide the foundations for any local authority that aspires to be effective, progressive and successful.

It is appropriate to review and update, where appropriate, various elements of Constitutions and provide additional guidance which will support members in their role and ensure they act in accordance with the Code of Conduct contained within the Constitution.

## **6. FINANCIAL IMPLICATIONS**

None

## **7. LEGAL IMPLICATIONS**

The Council has a duty to under section 27(1) of the Localism Act 2011 promote and maintain high standards of conduct by members and co-opted members. Under section 28 of the Localism Act 2011 the adopted Code of Conduct must contain the general principles referred to in this report. All members and co-opted members are required to comply with the adopted Code of Conduct as set out in the Constitution. Provision of additional advice and guidance to members in fulfilling their duties and obligations in accordance with the Code will assist the Council in complying with its duty to promote and maintain high standards of conduct.

## **8. RESOURCE IMPLICATIONS**

None

## **9. EQUALITY IMPLICATIONS**

It is deemed that equality implications will not arise from this report but will be reviewed following any decisions and recommendations from the Committee and if necessary an equality impact assessment will be undertaken.

## **10. CONSULTATIONS**

### **Chief Officer/Member**

Contact Officer: David Fairclough  
Date: 7 March 2016  
Background Papers: Council Constitution