



REPORT OF:	The Monitoring Officer
TO:	Standards Committee
ON:	21 December 2022

SUBJECT: Register of Members' Interests - New process

1. PURPOSE OF THE REPORT

To consider the legal framework applicable to the registration and declaration of member interest, and consider the new digital process for submitting and updating the Register of Members' Interests.

2. RECOMMENDATIONS

The Committee is asked to:

- note the legal framework for the requirement to register interests, and consider the new digital process for submitting and updating the Register of Members' Interests.
- recommend to Council of the digital process for submitting and updating the Register of Members' Interests registering, as outlined in the report.

3. LEGAL FRAMEWORK

The current legal framework relating to members interests and standards is set out in the Localism Act 2011 ('the Act'). Under the Act Councils are required to:

- to promote and maintain high standards of conduct by its members, and;
- adopt a code dealing with the conduct that is expected of its members.

In relation to the Code of Conduct ('the Code'), the requirement is simply that a council's code is consistent with the following principles:

- Selflessness;
- Integrity;
- Objectivity;
- Accountability;
- Openness;
- Honesty; and
- Leadership

These principles are recognised as the Nolan Principles of standards in public life.

The Act also requires councils to ensure that its code includes such provisions the council considers appropriate in respect of the registration and disclosure of both:

- Pecuniary interests; and

- Interests other than pecuniary interests.

Pecuniary interests and the specific requirements are set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. The list of those matters coming within the definition of a Disclosable Pecuniary Interest (**DPI**) is contained in Part 2 of the adopted Code (contained in Part 5, section 1 of the Constitution).

The Localism Act 2011 requires Members to notify the Monitoring Officer within 28 days of becoming a Member of any Disclosable Pecuniary Interests (DPIs). In addition, if a Member is present at a meeting and they have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting, which is not yet registered, they must notify the Monitoring Officer of the interest within 28 days. These requirements are set out in the Code. The Codes also outlines that it is a criminal offence to:

- fail to notify the Monitoring Officer, of any DPI within 28 days of election.
- fail to disclose a DPI at a meeting if it is not on the Register of Members' Interests.
- fail to notify the Monitoring Officer within 28 days of a DPI that the Members' Interest has been disclosed at meeting but is not on the Register of Members' Interests
- participating in any discussion or vote on a matter in which the Member has a DPI,
- knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

The criminal penalties available to a court are to impose an unlimited fine and disqualification from being a councillor for up to 5 years.

4. THE COUNCIL'S ARRANGEMENTS

The Council adopted a Code of Conduct in August 2012 in accordance with the Act, and since then some minor amendments have been made. The current version of the Code is published on the Council's website and is also contained in Part 5, section 1 of the Constitution.

In relation to the Register of Members Interest, Members are asked to complete a form adopted by the Council in 2012, which are then collated, scanned and published on the Council's website. In accordance with the legal requirements referred to above, Members are also advised to notify and update any changes to the register immediately. Such changes could include change of employment/office/trade, change of ownership or interest in land, new sponsorships, membership of bodies, gifts/hospitality etc.

At its meeting on 22 March 2022, the Committee were informed of a new process for Members to register their interests. This is through Council's Mod.Gov system, which has a facility for registering interests for each Member, which is then published in a table format. Many councils are already using the Mod.Gov system to register and publish their Member interests. This system has now been set up by the Governance team and is accessible for Members to complete and update their interests without requesting a paper form.

In order to assist Members, the Monitoring Officer has put in place arrangements for individual Members to receive guidance when registering their interests, as soon as they are elected to office. The completed register of interest would then be published via the Mod.Gov system. In addition, all members would be requested to notify the Monitoring Officer of any changes, and update the register of interest through the Mod.Gov system. An annual reminder will also be sent to all Members to review the register and update any changes.

The Government has published a guide for councillors, '*Openness and transparency on personal interests*' (see web link below), which Members can refer to as well as seek specific guidance from the Monitoring Officer

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/240134/Openness and transparency on personal interests.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/240134/Openness_and_transparency_on_personal_interests.pdf)

5. RATIONALE

The Committee has a role in promoting and maintaining high standards of conduct and make appropriate recommendations to Council in this regard. This includes monitoring all relevant procedures and processes.

6. LEGAL IMPLICATIONS

The Localism Act 2011 ("the Act") places the Council under a duty to promote and maintain high standards of conduct for members (and co-opted members). This was delegated by the Council in August 2012 to the Standards Committee. Under the Constitution, the Standards Committee also has a role in assisting councillors (and co-opted members) to observe the Members Code of Conduct, and make appropriate recommendations to the Council with respect to:

- promoting and maintaining high standards of conduct and
- the provision of training, guidance and assistance for Members in relation to the Members' Code of Conduct.

The Act also requires local authorities to adopt a Code of Conduct that is consistent with the 'Nolan' principles, and include provisions to regulate pecuniary and other interests. In addition, the Act requires the Monitoring Officer to establish a register of members' interests for each authority within their area. Therefore, for parish councils, the district or unitary authority's Monitoring Officer must ensure that every parish council's register is available for inspection within the principal authority' and, if the parish council has a website, the parish council must ensure that the register is accessible on their website.

The legal requirements for registering interests are referred to in section 3 on this report ('Legal Framework').

7. POLICY IMPLICATIONS

A good governance framework in local authorities is necessary to promote and maintain high ethical standards, and to ensure public confidence. In this regard and for transparency and compliance with legislation, the Council must ensure it has sound systems in place for the registration of member's interests.

8. FINANCIAL IMPLICATIONS

None.

9. CONSULTATIONS

The Committee has a role in promoting and maintaining high standards of conduct. Following consideration at Committee, recommendations will be made to Council to approve any changes to the process for registering interests

Chief Officer/Member

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Date: 7th December 2022

Background Papers: None