

Title of Report	Review of declarations of interests and gifts & hospitality
For Consideration By	Standards Committee
Meeting Date	8 February 2024
Classification	Open
<u>Ward(s) Affected</u>	N / A
Director	Louise Humphreys, Acting Director of Legal, Democratic and Electoral Services and Monitoring Officer

1. Introduction

- 1.1. The purpose of this report is to provide an overview on the completion, or otherwise, of the register of interests and gifts and hospitality forms by elected members during the 2023/2024 municipal year to 22 January 2024.

2. Recommendations

- 2.1. **That Standards Committee notes the report.**

3. Background

- 3.1. The Localism Act 2011 (“the Act”) places an obligation on all local authorities to promote high ethical standards in public office.

Register of Interests

- 3.2. Section 29 of the Act requires the Monitoring Officer to establish and maintain a register of interests of members and co-opted members of the authority. It is for the authority to determine what interests, save for disclosable pecuniary interests, are to be entered onto the register. The Council has adopted a Register of Interests Form for this purpose.
- 3.3. Section 30 of the Act provides that a member or co-opted member of an authority must notify the Monitoring Officer of any disclosable pecuniary interests within 28 days of becoming a member or co-opted member of the

authority. A member or cop-opted member is also obliged to update their register of interests within 28 days of becoming aware of any change.

- 3.4. Failure to register or disclose a disclosable pecuniary interest, is a criminal offence under the Localism Act 2011. If convicted a person may be subject to an unlimited fine or disqualified from being a Councillor for up to five years.
- 3.5. Register of Interests forms are published on the Council's website.
- 3.6. In May 2022 following the elections, all elected members were required to complete new register of interest form following a change to the format agreed alongside the revisions to the Code of Conduct. There was zero non-compliance with this requirement.
- 3.7. With regards to updating these forms, this is very much driven by the elected member or co-optee as the obligation is upon them to update their forms when changes occur. Between May 2022 and the end of January 2024, 11 members have updated their forms and these revisions have similarly been published on the Council's website. The fact that a form has not been updated should not be taken as being indicative of any failing on the part of an elected member.
- 3.8. It is also important to note that the newly elected member for the Cazenove ward will shortly be undertaking the mandatory Code of Conduct training, which includes training around interests and completion of the register of interests form. As at the date of the Committee meeting there would be no non-compliance with the legal requirements in respect of the completion of the form.
- 3.9. With regards to the declaration of interests at Council meetings, the number of times interests were declared at various Council meetings from the commencement of the 2023/2024 municipal year to the end of January 2024 is as follows:

	Declaration (other registerable interest which does not directly relates to the financial interest or well-being of the elected member or a relative or close associate)	Withdrew from the meeting (disclosable pecuniary interest or other registerable interest which directly relates to the financial interest or well-being of the elected member or a relative or close associate)
Cabinet	19	0

Cabinet Procurement & Insourcing Committee	1	0
Planning Sub-Committee (including Pre-Application)	28	0
Licensing Sub Committees (not including Licensing Committee)	4	0
Full Council	2	0
Other Committees, Commissions, Boards, Panels etc	23	

- 3.10. It is apparent that there is a clear awareness that elected members must consider the need to consider their interests and whether they need to declare those interests or declare those interests and withdraw from the meeting. To assist in this process, a notice appears at the front of each agenda which details the circumstances in which interests can arise and the need to disclose those interests and withdraw as appropriate.
- 3.11. It is to be noted that the figures presented in the table above are higher than what is listed on members registerable interests. Members often make declarations at meetings that can go beyond the remit of what may qualify as 'registerable' interests as they view it necessary in their efforts to be completely open and transparent.
- 3.12. The Standards Committee Annual Report contains details of the number and type of complaint alleging a breach of the Code of Conduct. As the Committee will recall from the last Annual Report which was considered in July 2023, none of the complaints received concerned allegations concerning the failure to register or disclose interests.

Gifts and Hospitality

- 3.13. As detailed in the Council's adopted Councillor Code of Conduct, which for the purpose of our Code applies to the Elected Mayor, Councillors and co-optees, in order to protect your position and the reputation of the local authority, caution should be exercised in accepting any gifts or hospitality which are (or which might reasonably be believed to be) offered because of the role of 'Councillor' under the Code. The presumption should always be

not to accept significant gifts or hospitality. In accordance with the Code, Councillors are required to register with the Monitoring Officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt and any significant gift or hospitality that has been offered but which has been refused within 28 days of the offer being made.

- 3.14. With regards to gifts and hospitality forms these are also published on the Council's website where received. As at 22 January 2024, gifts and hospitality forms have been completed by 38 elected members.
- 3.15. The fact that there may not be a form for a relevant elected member on the Council's website does not mean that there has been a failure on the part of that elected member or co-optee as forms are only required to be completed in the event that a gift or hospitality is offered and accepted / rejected.
- 3.16. The Standards Committee Annual Report contains details of the number and type of complaint alleging a breach of the Code of Conduct. As the Committee will recall from the last Annual Report, none of the complaints received concerned allegations concerning failures with regards to the disclosure of gifts or hospitality.

4. **Comments of the Acting Group Director of Finance**

- 4.1. There are no financial implications arising out of the content of this report.

5. **Comments of the Acting Director of Legal, Democratic and Electoral Services**

- 5.1. Other than as set out in the body of this report, there are no legal implications arising from the content of this report.

Appendices

None

Background documents

None

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