

Report to:	STANDARDS COMMITTEE
Relevant Officer:	Mark Towers, Director of Governance and Partnerships / Monitoring Officer
Date of Meeting:	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.