

Body: STANDARDS COMMITTEE

Date: MONDAY 19TH OCTOBER 2009

Subject: AUDIT OF THE PROCEDURES RELATING TO MEMBERS' INTERESTS AND RELATED MATTERS

Report Of: Alice Rowland, Lawyer to the Council and Deputy Monitoring Officer

Ward(s) All

Purpose To advise the committee as to the procedures relating to member's interests and related matters.

Recommendation: That the content of the report is noted.

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1.0 Background

- 1.1 The Committee is aware of its responsibilities to take a lead on matters relating to standards in this authority. Standards Committees have a key role to play in creating an ethical organisation, promoting standards and supporting and educating members. It is good practice to periodically undertake audits of key elements of the ethical framework within which Councillors operate. This serves to highlight any weaknesses in the procedures and ensures that the Standards Committee can demonstrate that it is actively maintaining and managing the standards regime.
- 1.2 At the last Standards Committee on Monday 13 July 2009, the writer reported a proposed course of action and this report seeks to deal with all the items set out in that report.

2.0 Procedures for Members to Register their Interest

- 2.1 The procedures for members to register their interests are a key part of the standards regime. The Local Government Act 2000 imposes the duty upon the Monitoring Officer to establish and maintain the Register of Interests of members of the authority.
- 2.2 The Register of Interests or a copy of it must be available for inspection by the public at an office of the authority at all reasonable hours.
- 2.3 Any member who has registered an interest must disclose that interest before taking part in any business of the authority relating to that interest.

- 2.4 The rationale is that all members register their interest so that the public, authority staff and other members know which member interests might give rise to a conflict. The Register is a document which can be consulted when (or before) an issue arises, and lets others think about whether or not the member has an interest. The Register is important for public confidence and protects individual members. It is helpful for them to consider from the outset what interests they have and where conflicts might lie.
- 2.5 The Code of Conduct, as adopted by the Council on 28 September 2007, requires members to register their interests within 28 days of being elected or within 28 days of becoming aware of any new personal interest or change to any personal interest already registered. Whilst the Monitoring Officer has statutory responsibility for the Members' Register of Interests, the Register is currently maintained by the Local Democracy Team. There are forms for members to fill out when they are elected and there are also amendment forms if they need to change the Register in any way. They are appended to this report with the form they complete in relation to gifts and hospitality.
- 2.6 The members are required to certify that the Register is up to date at the end of the financial year. At the half year point they are also reminded to check that their entries are up to date. They are reminded of the obligation to keep the register up to date at training events.

3.0 Procedures to Declare any other Interests which might arise

- 3.1 Members are obliged under the Code of Conduct to disclose to any meetings they attend the existence and nature of an interest at the commencement of that consideration or when the interest becomes apparent. The rules are set out in more detail at paragraph 9 of the Code of Conduct.
- 3.2 The members are reminded of the need to make declarations at the start of every public meeting. It is listed as an item on the agenda at every Council meeting.
- 3.3 The Monitoring Officer is aware that in other Councils more rigorous procedures are adopted in relation to reminding members of this obligation. For example, in some local authorities members are asked, prior to the commencement of every item, whether any have a personal interest. Some authorities ask members to note on an attendance sheet circulated at each meeting the item number of any matter in which they have a declarable interest. This standardises the declaration process and provides a definitive hard copy record of the interests declared by members at a meeting. The Standards Committee may wish to discuss whether such procedures should be utilised in this organisation.

4.0 Procedures in Relation to Members' Gifts

- 4.1 Members are required by the Code of Conduct to register as a personal interest, the interest of any person from whom they have received a gift or hospitality with an estimated valued of at least £25.00.
- 4.2 The Local Democracy Team maintain a Register of Gifts and Hospitality which can be found on the internet. The Council does not have a policy on gifts and hospitality but given the simplicity of the rule contained within the code of conduct this is not considered to be essential.

5.0 Training

5.1 The Monitoring Officer tries to ensure that members receive regular training in relation to standards. The Monitoring Officer and Deputy Monitoring Officer are currently considering timetabling further standards training to update the knowledge of all the members.

6.0 How the Standards Committee encourages observance with the Code of Conduct

6.1 The Standards Committee meets regularly and provides direction to the Monitoring Officer in relation to training and the processes involved in the standards regime.

7.0 Consultation

7.1 David Robinson, Local Democracy Manager, was consulted in the preparation of this report.

8.0 Resource Implications

8.1 Financial

None.

8.2 Staffing

Depending on the outcome of discussions at the Standards Committee there may be more work required by the Monitoring Officer.

9.0 Conclusion

9.1 This report consists of a brief audit of all the relevant aspects of the standard regime. The Committee is asked to note and discuss the procedures followed.

**ALICE ROWLAND
LAWYER TO THE COUNCIL AND DEPUTY MONITORING OFFICER**

Background Papers:

The Background Papers used in compiling this report were as follows:

Standards for England fact sheet on Gifts and Hospitality

Reports to the Rother Standards Committee dealing with similar issues

To inspect or obtain copies of background papers please refer to the contact officer listed above.

(AR/DF)