

**Report To:** Standards Committee

**Date of Meeting:** 31<sup>st</sup> January 2014

**Lead Member / Officer:** Gary Williams, Monitoring Officer

**Report Author:** Gary Williams, Monitoring Officer

**Title:** Registration of Members' Interests

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## **1 What is the report about?**

- 1.1 The report is about the change to the law regarding the registration of members' interests

## **2 What is the reason for making this report?**

- 2.1 To bring the change in the law to members' attention and seek the Committee's endorsement of the course of action proposed to ensure that the County Council and Town and Community Councils are complying with the new requirements.

## **3 What are the Recommendations?**

- 3.1 That Members note the legislative changes relating to the Register of Members' Interests and approve the steps being taken to ensure that the Council is in compliance with those changes.

## **4 Report details.**

- 4.1 The Local Government Act 2000 ("the 2000 Act") provides the legislative framework for the regulation of the conduct of elected members. The 2000 Act introduced the mandatory requirement for a code of conduct for elected members and for members to sign an undertaking to observe the terms of the Code.
- 4.2 A key component of the ethical framework is the need for transparency in decision making and the declaration by members of their interests in any item of business that they are considering as part of their role as a councillor.
- 4.3 Members are required under paragraph 15 of the Code of Conduct to register their financial and other interests that fall within a category mentioned in paragraph 10(2)(a) of the Code, within 28 days of their election or appointment to office.
- 4.4 The form which Members are asked to complete in order that their interests may be registered is attached as Appendix 1 to this report.

- 4.5 Members are required by the Code to register any new interest or any change to a registered interest within 28 days of becoming aware of the new or changed interest.
- 4.6 The requirement to register does not, subject to the Monitoring Officer's agreement, apply to sensitive information, which is defined by the Code as being information whose availability for inspection by the public creates, or is likely to create, a serious risk that a member or a person with whom the member lives may be subjected to violence or intimidation. There is however a requirement to notify the Monitoring Officer of any change in circumstances which means that the information is no longer sensitive, and to ask that it be included on the register within 28 days of becoming aware of that change in circumstances.
- 4.7 Section 81 of the 2000 Act requires that the Monitoring Officer for each relevant authority establishes and maintains a Register of Members' Interests. The Register is to be made available for inspection by the public. The Council currently issues each member with a register of interests form after each local government election, and these are retained in paper form on a file in County Hall which may be inspected.
- 4.8 Section 58 Local Democracy (Wales) Act 2013 ("the 2013 Act") amends Section 81 of the 2000 Act by introducing a requirement to publish the Register of Members' Interests electronically. There is a further requirement to advertise in a local newspaper that the Register is published electronically. The advertisement should also set out how the electronic register may be accessed.
- 4.9 Section 58 is not yet in force, however a number of local authorities have already published their registers electronically as a matter of good practice and this Council needs to be ready to publish electronically as soon as the law comes into force, if not before.
- 4.10 In preparing for the implementation of the changes, Democratic Services officers have made electronic versions of the English and Welsh forms and are now in a position to publish the Registers of Members' Interests on the Council website, linked to each Councillors' profile page. Before we do this, Councillors and co-opted members will be asked to review their current register and update them if necessary.
- 4.11 The situation regarding Town and Community Councils is that the Clerk will be responsible for ensuring the electronic version of the Register of Interests is published, although the Code at paragraph 15(4) does not require members of Town and Community Councils to register. Some Town and Community Councils do maintain a register and it would therefore appear that where they do so maintain a register it should be published electronically. Advice will be given to Town and Community Council Clerks as to the legal position when it becomes clearer.

## **5 How does the decision contribute to the Corporate Priorities?**

5.1 Although not directly linked to the corporate priorities, the introduction of the electronic publication of the Register of Members' Interests is consistent with the modernisation of the council.

## **6 What will it cost and how will it affect other services?**

6.1 There are no direct costs associated with this report.

## **7 What consultations have been carried out and has an Equality Impact Assessment Screening been undertaken?**

7.1 There is no need for an equality impact assessment.

## **8 Chief Finance Officer Statement**

8.1 There are no direct costs associated with this report.

## **9 What risks are there and is there anything we can do to reduce them?**

9.1 There is a risk that the registers will not be regularly updated by members. Regular reminders to members to check that their registered interests are up to date will help to reduce this risk.

## **10 Power to make the Decision**

10.1 Section 81 Local Government Act 1972