

Report To: Standards committee

Date of Meeting: 9th May 2014

Lead Member / Officer: Monitoring Officer

Report Author: Monitoring Officer

Title: Declarations of Interest

1. What is the report about?

- 1.1 The report is about the requirement placed upon Members to declare their interests in respect of any business before them and the practical compliance with these requirements.

2. What is the reason for making this report?

- 2.1 To inform the Committee of the requirements placed upon Members in respect of the declaration of interests and the practical compliance with the requirement.

3. What are the Recommendations?

- 3.1 That the Committee considers the issues raised in this report and the provision of additional training and support for Members.

4. Report details.

- 4.1 The Local Government Act 2000 (the Act) provides that the Welsh Government may issue a Model Code of Conduct for Members and co-opted members of local authorities. The Act also provides that the Model Code must include provisions relating to the declaration of interests by Members and co-opted members of local authorities before they take part in the consideration of any business of the authority.
- 4.2 The Local Authorities (Model Code of Conduct)(Wales) Order 2008 sets out the Model Code of Conduct for elected and co-opted members of local authorities in Wales. This Model Code is the one upon which the Denbighshire County Council's Code of Conduct is based.
- 4.3 Paragraph 11 of the Code of Conduct states that where a Member has a personal interest in any business of the authority and the Member attends a meeting at which the business is to be considered, that Member must disclose orally to the meeting the existence and nature of the interest before, or at the commencement, of that consideration, or when the interest becomes apparent.

- 4.4 Paragraph 11 also requires that in respect of a personal interest that has not previously been disclosed then either before or immediately after the close of the meeting where the disclosure is made, written notification should be given to the authority which must as a minimum contain details of the personal interest, details of the business to which the personal interest relates and the Member's signature.
- 4.5 The form which is provided for Members to complete in order that written notification of a disclosed interest may be provided to the authority is attached as Appendix 1.
- 4.6 The Monitoring Officer has reviewed the declaration of interest forms that have been completed by Members and has found that there are some inconsistencies in the way in which the forms are being completed.
- 4.7 Members will note from Appendix 1 that the Member completing the form is required to insert their name and to delete as appropriate to indicate whether they are a Member or co-opted member of the authority. The deletion is not always completed and while it is fair to say that it is possible for the Member's status to be verified by officers, given that Members and co-opted members are known to them, it may appear as though the form has not been completed properly if it were to be disclosed to the Ombudsman as part of an investigation into a complaint regarding the declaration or non declaration of an interest.
- 4.8 Members will further note in Appendix 1 that there is a requirement to delete as appropriate whether or not the interest declared is a personal or a personal and prejudicial interest. Again, the minutes of the meeting will record whether or not the Member orally declared a personal or personal and prejudicial interest, and indeed whether or not the Member left the room following the disclosure of a personal and prejudicial interest. However, the declaration forms could be requested by the Ombudsman as part of any investigation and may indeed be disclosed for other purposes and it can give the impression that the form has not been completed properly.
- 4.9 Members will also note that the form requires the completion of a box entitled Nature of Interest. This box is intended to provide a description of the interest that the Member is declaring. By and large this is properly completed by Members, however there may be some confusion for some Members who have perhaps not provided a full description, or in some circumstances, have described the nature of the interest as "personal" or "personal and prejudicial".
- 4.10 Members may consider that the design of the form could be improved in order to make it easier for Members to complete. Alternatively Members may suggest that a very short focused training session or briefing note be offered to Members to ensure that the declaration of interest forms are fully completed.

5. How does the decision contribute to the Corporate Priorities?

5.1 The decision has no direct impact on corporate priorities.

6. What will it cost and how will it affect other services?

6.1 There are no costs directly associated with this report.

7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision?

7.1 This report does not require an equality impact assessment.

8. What consultations have been carried out with Scrutiny and others?

8.1 This matter has not been reported or consulted upon elsewhere.

9. Chief Finance Officer Statement

9.1 There are no obvious significant financial implications arising from the report.

10. What risks are there and is there anything we can do to reduce them?

10.1 The risk to Members is that a person reading the disclosure form, if it has not been fully completed, may not immediately understand the nature of the interest that has been declared by the Member and this could cause confusion should that declaration be the subject of any later complaint or dispute. The provision of additional training and/or briefing note will assist and remind Members to ensure that the forms are completed correctly.

11. Power to make the Decision

11.1 Article 9.2 of the County Council's Constitution.