

# Report



## Standards Committee

---

### Part 1

Date: 18<sup>th</sup> April 2024

Item No:

**Subject** Register of Interests

**Purpose** To enable the Standards Committee to:

- (i) Consider the current arrangements for the registration of interests by Members.
- (ii) Consider amendments to improve the administration of declarations of interest that underpins the requirements of the Constitution.

**Author** Head of Law and Standards

**Ward** General

**Summary** As part of their terms of reference, the Standards Committee are required to promote and maintain high standards of conduct by councillors. This report presents the current arrangements in place to support elected members in meeting their statutory responsibilities in declaring personal or financial interests that may affect their decision-making or influence their conduct in public office. The report also suggests small amendments to the declaration form and submission process to provide greater clarity for elected members on their obligations to declare personal and financial interests.

**Proposal** To note the Report regarding protocol for members' gifts and hospitality and to consider whether any review of the guidance is required.

**Action by** Head of Law and Standards

**Timetable** Changes to be implemented from 1<sup>st</sup> May 2024

## Background

Registers of Interest are documents that record the personal and financial interests of councillors and council employees that may affect their decision-making or influence their conduct in public office. They are intended to promote transparency, accountability, and public trust in local government.

The Local Government Act 2000 and the Local Authorities (Model Code of Conduct) (Wales) Order 2008 set out the statutory framework for Registers of Interest for principal councils in Wales. The Act requires every principal council to adopt a Code of Conduct for its members and employees, which must include provisions for the registration and disclosure of interests. The Council's Code of Conduct can be found in Appendix A. This is part of the Constitution and sets out the types of interests that must be registered and disclosed, and the procedures for doing so.

The process for registering and disclosing interests as specified in the Council's Constitution specifies that:

- Interests must be registered within 28 days of taking office or becoming aware of the interest.
- Interests must be disclosed at any meeting where they are relevant to the business being discussed, and the person must withdraw from the meeting unless they have obtained a dispensation.
- Interests must be updated or removed from the register as soon as possible after any change of circumstances.
- Interests must be made available for public inspection at the council's offices and on its website.

The types of interests that must be registered and disclosed include:

- Employment, business, or professional activities that relate to the functions or business of the council.
- Contracts, land, or securities that involve the council or may be affected by its decisions.
- Gifts, hospitality, or benefits received from any person or body that has dealings with the council.
- Membership or position of control or influence in any public, private, or voluntary organisation that has dealings with the council.

It is important that the public are aware of the interests members may have or hold, in particular where those interests could influence the decisions they may be involved in making in their role or roles on the council. Recent statutory and non-statutory guidance from Welsh Government is mindful of the need to protect members safety and welfare, whilst ensuring all relevant interests are captured, and openness and transparency is maintained.

However, it is the view of the Welsh Government that while members have an obligation to declare interests and not to participate in or influence council business, there is no requirement for members to include their full primary address (or any other address) when registering beneficial interests in land in the authority's area. It would be sufficient for members to state that they own a property in the authority's area (for example identifying the road or ward), in order to discharge their duties under the Code. This includes any land and property in the authority's area in which members have a beneficial interest (or a licence to occupy for more than 28 days).

In addition, elected members need not include information relating to any of the members' personal interests that is deemed sensitive information. In the Model Code of Conduct

(Appendix B), "sensitive information" means the availability of the information for inspection by the public creates, or is likely to create, a serious risk that the member or a person who lives with the member may be subjected to violence or intimidation.

### Statutory and non-statutory guidance for principal councils

Currently, elected members are prompted to complete a Register of Interest form when they have been elected as a ward councillor, which is currently every five years, or following a by-election. Elected members must autonomously notify Democratic Services of any changes to circumstances requiring a new form outside of these touch points, within 28 days of becoming aware of a change to circumstances affecting their interests.

### Forms

The current form for registering an interest is attached in Appendix C. The current form complies with Section 81 of the Local Government Act 2000, but lacks detail concerning the types of interests that must be disclosed. The form has not been updated since 2018.

An updated version of the form is presented in Appendix D. Whilst the substance of the form has not changed, more detail has been included to support elected members in completing the form and meeting legislative requirements.

Whilst it is the duty of elected members to advise the Monitoring Officer of any changes to their interests within 28 days of becoming aware of a change to circumstances, it is also suggested that Democratic Services issue a reminder and request an updated form on an annual basis. This would assist in ensuring that the Register remains relevant and up to date.

The updated form also makes reference to the changes under the Model Code of Conduct which now states that it would be sufficient for members to state that they own a property in the authority's area (for example identifying the road or ward), in order to discharge their duties under the Code, rather than having to give a full address for the publication of the register.

An all-member seminar has been scheduled for 29<sup>th</sup> May to provide a recap on Code of Conduct and ethical standards. The session will prompt members to review their declarations and submit an updated form. If adopted, the new form will be shared with elected members at this session.

### Financial Summary

1. There are no financial implications. The suggested amendments to the form and process support the Constitutional arrangements already in place.

### Risks

| Risk   | Impact of Risk if it occurs* (H/M/L) | Probability of risk occurring (H/M/L) | What is the Council doing or what has it done to avoid the risk or reduce its effect?         | Who is responsible for dealing with the risk? |
|--|--------------------------------------|---------------------------------------|---|---|
| Failure to provide appropriate support and guidance regarding statutory requirements may contribute to a lack of | M                                    | M                                     | Mitigated through the controls set out in the Constitution and regular review of arrangements | Head of Law and Standards                     |

|                        |  |  |  |  |
|------------------------|--|--|--|--|
| adequate<br>governance |  |  |  |  |
|------------------------|--|--|--|--|

### **Links to Council Policies and Priorities**

The Council's Corporate Plan commits to deliver a number of key objectives in relation to regeneration, investment, environmental and digital objectives. Having appropriate governance arrangements in place supports the successful delivery of these objectives by complying with relevant legislation and best practice, and minimising risk to the Council.

### **Options Available**

- (a) To note the Report and retain the current form for elected members to declare personal and financial interests.
- (b) To note the Report and support the adoption of the updated form for members to declare personal and financial interests, with an annual reminder issued to members to submit an updated return.

### **Preferred option and why**

- (b) That the Committee notes the Report and supports the changes to the declaration form which will provide greater clarity for elected members on their obligations to declare personal and financial interests.

### **Comments of Chief Financial Officer**

There are no financial implications arising from this report.

### **Comments of Monitoring Officer**

The legal requirements for the Council to maintain a register of members' interests and for members to ensure that their interests are declared are set out in the report. There are no further legal implications. The adoption of the new declaration form should assist members in identifying which interests need to be declared and the extent of the information regarding those interests which needs to be provided. The issuing of an annual reminder to members to review their declarations and ensure that they remain up to date will also be of assistance in helping members to comply with their duties.

### **Comments of Head of People, Policy, and Transformation**

This report forms part of the Council's approach to ensuring continuous improvement in governance arrangements. High standards of probity, openness and transparency will sustain public confidence in the Council and local government more widely.

There are no direct human resources implications in this report.

### **Fairness and Equality Impact Assessment:**

- **Wellbeing of Future Generation (Wales) Act**
- **Equality Act 2010**
- **Socio-economic Duty**
- **Welsh Language (Wales) Measure 2011**

The principles of fairness and equality are embodied within the Members Code of Conduct and the Ethical Framework. Whilst this is not a new policy or protocol, the arrangements in place to record declarations of interest supports the 'Prevention' way of working under the Wellbeing of Future Generation (Wales) Act. Having adequate controls in place to manage matters relating to the Code of Conduct protects employees, members and the Council from potential breaches and the consequences of failing to comply with the relevant legislation. No FEIA is required for the information presented in this report.

- There are no negative impacts in terms of equalities or social disadvantage.
- In terms of the sustainable development principle and 5 ways of working

**Long-term** – The updated form will assist Standards Committee and the Council in taking a long-term view about improving ethical standards.

**Prevention** – The updated form will help to prevent future complaints of misconduct.

**Integration** – The report has been produced in consultation with key stakeholders.

**Collaboration** – The report facilitates collaboration between Standards Committees and elected members in improving matters of common interest.

## Consultation

As the Declaration of Interests under the Council's Constitution is an established protocol no consultation has been conducted in the development of this paper

## Background Papers

Dated: 8<sup>th</sup> April 2024

## Appendices

Appendix A – Code of Conduct, under Newport City Council's Constitution

[5.1.1 Code of Conduct.pdf \(newport.gov.uk\)](#)



Appendix A 5.1.1  
Code of Conduct.pdf

Appendix B – Model Code of Conduct

[Local Authorities \(Model Code of Conduct\) \(Wales\) Order 2008](#)



Appendix B Local  
Authorities (Model Co

Appendix C – current declaration of interest form



Form 2 - ALL -  
Register of Interests.d

Appendix D – draft updated declaration of interest form



Appendix D Draft  
Register of Interests F

