

REPORT OF THE STANDARDS COMMITTEE No. 01/2010-11 COUNCIL 19 JULY 2010

Chair:
Annabel Loyd

Deputy Chair:
Rachel Chambers

INTRODUCTION

- 1.1 This report to full Council arises from a report entitled “New Procedure for Advance Declaration of Members’ Interests” considered by the Standards Committee at our meeting on 10 June 2010. The proposal being recommended does not involve a change to the Council’s Constitution but it does require Members’ approval of a new procedure and its adoption by full Council.

ITEM FOR DECISION

ADVANCE DECLARATION OF MEMBERS’ INTERESTS AT FULL COUNCIL

- 2.1 We noted that, on a number of occasions, many Members had declared the same personal interest on an item of business at full Council. For example, in the case of debates on public transport issues, several Members hold freedom passes themselves and many others have a personal interest because a family member is a freedom pass holder.
- 2.2 The existing practice has been for each Member to rise in turn to make an individual oral “declaration” at the start of the meeting. This has proved to be very time consuming and not conducive to the efficient running of Council meetings. We were informed that the Monitoring Officer had been asked to investigate a more efficient means for conducting the declaration of Members’ interests at full Council.
- 2.3 The report before us from the Monitoring Officer had, as an attachment, a proposed new “form” for use by Members which would enable them to make an advance declaration of their interests in writing before the full Council meeting. This new form is attached to this report as the Appendix.
- 2.4 The form has a table with three columns inviting Members (1) to state the agenda item or items in respect of which they are declaring an interest, (2) to state whether the interest is solely a “personal” one or also a “prejudicial” interest, and (3) to explain the nature of the interest being declared, for example, because the item is likely to affect the Member’s home.
- 2.5 Below the table there is space for Members to sign and date the form. There are instructions for the use of the form and guidance overleaf by way of a reminder about the main factors giving rise to a personal or a prejudicial interest together with contact details for obtaining more detailed legal advice.

- 2.6 We discussed the circumstances in which this form would be used by Members. The report before us had proposed that the form be used in future for all declarations of interests at full Council but we considered that this could prove unnecessarily complicated. Accordingly, we agreed that the form only be used when a significant number of Members had the same interest in an item of business. We accepted the view that the new form was only appropriate for use at full Council meetings when all 57 Members might be present and not at Cabinet, Committee or Panel meetings where many fewer Members would attend.
- 2.7 In order to help remind Members to use the form, officers were asked to send it out with the Council agenda whenever there appeared to be an item of business in respect of which a significant number of Members were likely to have the same interest.
- 2.8 We noted that, if at all possible, Members were being asked to forward the completed form to the Deputy Head of Member Services no later than 5.00 p.m. on the day of the Council meeting. If this proved to be impossible then the form could still be handed in at the meeting itself or, in the last resort, the Member could make an individual oral declaration in the traditional manner.
- 2.9 Once the forms had been received and checked, the Deputy Head of Member Services would provide the Mayor with a statement of the interests being declared and the names of the Councillors making the same declaration in respect of the specified agenda item or items. The Mayor would then read out these details at the start of the Council meeting at the appropriate point.
- 2.10 We were advised that there was no specific guidance from Standards for England on the “collective” declaration of personal interests or the use of a form for making written declarations in advance of a meeting. However, provided that an individual Member had used a clear and agreed process (a signed and dated form) to make a declaration to the meeting about the existence and nature of his/her interest, it should make no difference that the oral announcement is made by another i.e. the Mayor.

WE RECOMMEND:

- (i) That the “form” attached as the Appendix to this report be adopted in future for making advance written declarations of a Member’s interest(s) at full Council whenever a significant number of Members are likely to have the same interest in an item of business, and
- (ii) That the Head of Local Democracy and Member Services be instructed to send out the form with the Council agenda whenever there appears to be an item of business in respect of which a significant number of Members are likely to have the same interest.