

## **GOVERNMENT GUIDANCE ON OPENNESS AND TRANSPARENCY ON PERSONAL INTERESTS**

**Submitted by:**        **Head of Central Services and Monitoring Officer**

**Ward(s) affected:**    **All**

### **Purpose of the Report**

To inform the Members of the Committee of recent Government guidance on certain aspects of the new Standards regime.

### **Recommendation**

**That the guidance be received.**

### **Reasons**

To promote and maintain high standards of conduct and to comply with the Localism Act 2011.

#### **1.     Background**

- 1.1     This report deals with a key statutory role of the Borough Council, discharged by this Committee, together with the promotion and enforcement of high standards of conduct by Members of the Borough Council whilst acting in their official capacity.
- 1.2     As the Committee will be aware, the new Standards regime came into effect on 1 July 2012. In August 2012, the Department for Communities and Local Government issued a guide for councillors on 'Openness and Transparency on Personal Interests'. A copy of this guidance was circulated to all Members on 10 August 2012.
- 1.3     The contents of the guide are largely self-explanatory. There are some key messages which the guidance seeks to emphasise. The first key message is that the registration of personal interests should conform with the principle of honesty (as set out in the seven principles of public life), which states: *'holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflict arising in a way that protects the public interest'*.
- 1.4     The second major area covered by the guide relates to pecuniary interests, which are described broadly as 'business' interests (for example employment, trade, profession, contracts, or any company with which a Member is associated) – and wider financial interests (for example trust funds, investments and assets including land and property). The guide also clarifies that the name of a Member's spouse or civil partner does not need to appear on the register of interests. The Borough Council's register invites Members to state whether the interest is theirs and/or their spouse/partner's, but does not require the latter to be identified. The guide acknowledges that the detailed format of the register of Members' interests is for each Council to decide. Also, consistent with the guidance, the Borough Council will not publish personal signatures of councillors online in the register.
- 1.5     The practices adopted by the Borough Council in terms of inspection of the register, the withholding of information from the published register and the removal of certain information are fully consistent with the guidance. Members have been provided with a copy of the guidance informing them on what having a disclosable pecuniary interests prevents them from doing and also, where prohibitions apply, when they have to leave the meeting room.

- 1.6 The guide also sets out the rules on dispensations.
- 1.7 Finally, the guidance emphasises the point that failure to comply with the rules on disclosable pecuniary interests is a criminal offence.

2. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

The new regime will contribute to the overall ethical wellbeing of the Council, and help to ensure a culture of high ethical standards, which the public and the Council's partners can have confidence in. This will thereby contribute to the Council's priority of transforming our Council to achieve excellence.

3. **Legal and Statutory Implications**

The Council will remain under a statutory duty to promote and maintain high standards of conduct for its elected and co-opted Members and to provide the Monitoring Officer with such staff, accommodation and such other resources as are in his opinion sufficient to allow him to perform the duties of the post.

4. **Equality Impact Assessment**

No differential equality impact issues have been identified.

5. **Major Risks**

There are no specific risk issues.

6. **Financial Implications**

There are none flowing from this report.

7. **List of Appendices**

Appendix C – DCLG guidance previously circulated