

Report



Democratic Services Committee

Part 1

Date: 6th June 2024

Item No:

Subject Register of Interests

Purpose To provide an update to Committee on amendments by the Standards Committee to the arrangements for the registration of interests by Members.

Author Democratic and Electoral Services Manager

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. The Committee recently considered the 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 Standards Committee made 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 change in protocol for members' gifts and hospitality.

Action by Democratic and Electoral Services Manager

Timetable Changes to be implemented from 1st 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 set out 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 original form for registering an interest is attached in Appendix C. The original form complied with Section 81 of the Local Government Act 2000, but lacked detail concerning the types of interests that must be disclosed. The form had not been updated since 2018.

The revised version of the form agreed by Standards Committee 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, Democratic Services will also issue a reminder and request an updated form on an annual basis. This will 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 is scheduled for 29th May to provide a recap on Code of Conduct and ethical standards. Following the session Democratic Services will prompt members to review their declarations and submit an updated form.

Background Papers

Dated: 31st May 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 – previous declaration of interest form



Form 2 - ALL -
Register of Interests.d

Appendix D –revised and updated declaration of interest form agreed by Standards Committee



Appendix D Draft
Register of Interests F