

HUNTINGDONSHIRE DISTRICT COUNCIL

**Title/Subject Matter:** DCLG Guidance - Openness and Transparency on personal interests - Impact on the Code of Conduct

**Meeting/Date:** Standards Committee - 5 December 2013

**Executive Portfolio:** Strategic Economic Development & Legal

**Report by:** Head of Legal & Democratic Services

**Wards affected:** All

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**Executive Summary:**

To consider recent DCLG Guidance on registering and declaring trade union interests and possible consequential amendments to the Council's Code of Conduct.

**Recommendations:**

That

- (i) the Head of Legal and Democratic Services prepare a revised Code of Conduct to reflect any changes considered necessary by the Standards Committee, for consideration at the next meeting on 6 March 2014; and
- (ii) any changes be implemented from the beginning of the next municipal year in May 2014.

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## **1. WHAT IS THIS REPORT ABOUT?**

- 1.1 To consider recent DCLG Guidance on registering and declaring trade union interests and possible consequential amendments to the Council's Code of Conduct.

## **2. BACKGROUND**

- 2.1 Under Sections 28 and 29 of the Localism Act 2011, the Council must adopt a Code of Conduct that is consistent with the Seven Nolan Principles and that includes provision for the registration and disclosure of pecuniary interests and interests other than pecuniary interests.
- 2.2 The Council adopted a Code of Conduct on 4 July 2012, which required the registration of those interests specifically defined by the Government in legislation, namely Disclosable Pecuniary Interests. Other interests defined under the Council's Code simply had to be declared at a meeting if they were affected by a matter under discussion.
- 2.3 DCLG have recently published revised guidance entitled "Openness and transparency on personal interests" (Appendix 1) and an accompanying press release (Appendix 2) indicating that interests to be registered and declared includes membership of a trade union. Whilst there is some doubt about the lawfulness of the DCLG Guidance (Appendix 3), if the Council is to amend its Code to require trade union interests to be registered and declared, it would seem sensible to consider if this should also be extended to include any other interests.

## **3. ANALYSIS**

- 3.1 Under the previous national Code and the current NALC Code there is a requirement for a Member to register and declare:-

*An interest which relates to or is likely to affect any body of which the Member is in a position of general control or management and:-*

- (a) to which he/she is appointed or nominated by the Council; or*
- (b) exercises functions of a public nature; or*
- (c) Is directed to charitable purposes; or*
- (d) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).*

- 3.2 The Council's current Code does not include a requirement to register the above and were not included in an attempt to comply with Government's objective under the new standards regime of having far fewer restrictions on Members and not having a "gold plated and bureaucratic" process.
- 3.3 As stated above if Members consider that trade union membership should be included on their Register of Interests, then there is a logic in reverting to the requirement of the old Code and requiring registration of all the interests referred to in paragraph 3.1.

#### **4. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION**

- 4.1 If Members consider that changes should be made to the Code and the content of their Register of Interests, it would seem sensible for this to be introduced from the start of the new municipal year in May 2014. This will avoid additional work of having to produce new Declaration of Interest Forms and all Members having to complete and submit them. It will also provide an opportunity to give advice to and provide training both to Members and to Town and Parish Councils who wish to make the changes to their Codes.

#### **5. LEGAL IMPLICATIONS**

- 5.1 The Council has the power under Section 28 of the Localism Act to revise its Code of Conduct.

#### **6. RECOMMENDATIONS**

- 6.1 That
- (i) the Head of Legal and Democratic Services prepare a revised Code of Conduct to reflect any changes considered necessary by the Standards Committee, for consideration at the next meeting on 6 March 2014; and
  - (ii) any changes be implemented from the beginning of the next municipal year in May 2014.

#### **7. LIST OF APPENDICES INCLUDED**

Appendices 1 & 2 – DCLG Guidance and Press Release (September 2013) on “Openness and transparency on personal interests”

Appendix 3 – Local Government Lawyer (26 September) – Members’ interests and Trade union Membership”

#### **BACKGROUND PAPERS**

Localism Act 2011

#### **CONTACT OFFICER**

Colin Meadowcroft- Head of Legal & Democratic Services  
Tel No. 01480 388021