

COUNCILLOR CONDUCT COMMITTEE

18 SEPTEMBER 2012

DISCLOSABLE PECUNIARY INTERESTS

Report from/Author: Perry Holmes, Monitoring Officer

Summary

This report summarises the advice given to Members regarding Disclosable Pecuniary Interests and the other situations where a Member should consider whether they can take part in decision making.

1. Budget and Policy Framework

- 1.1 Full Council approved the new Code of Conduct on 26 July 2012 and terms of reference for the Councillor Conduct Committee. It is for this Committee to advise Members on how to comply with the Code of Conduct supported by professional advice from the Monitoring Officer.

2. Background

- 2.1 The Council has approved a light touch Code of Conduct with a heavy emphasis on seeking a local informal resolution wherever possible to any complaints about the conduct of a councillor. This reflects the very limited sanctions that can be imposed under this new conduct regime. It also reflects the wish to use sparse resources carefully and only investigate the most serious of cases that cannot be otherwise resolved.
- 2.2 The Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 introduced Disclosable Pecuniary Interests and new rules on dispensations as part of the new standards arrangements. Training was provided to in excess of 30 Members on 15 August 2012 regarding Disclosable Pecuniary Interests (DPIs) and the Code of Conduct. The training was based on the principle that elected members should play as full a role as possible in decision making.
- 2.3 The training identified that as well as DPIs, Members needed to be mindful of bias and pre-determination (in the quasi judicial committees such as Licensing and Planning Committee) but also whether they had a conflict of interest in a decision or might otherwise be in breach of the Code of conduct if they took part.

3. Disclosable Pecuniary Interests

- 3.1 All Members have completed a form setting out their DPIs. These will be placed on the Council's website shortly. We are liaising with the Parish Councils about the publishing of their DPIs too. The details of what is and is not a DPI, is set out in regulations to the Localism Act and explained in more detail by guidance issued by the Secretary of State.
- 3.2 Members need to be careful that if they have a DPI in a meeting and have not included it on their register, they must declare it in the meeting and within 28 days add it to the register.

4. Bias and pre-determination

- 4.1 Members sitting on the committees making quasi judicial decisions, such as the Planning and Licensing committees, in addition to DPIs, also need to be aware of the rules on bias and pre-determination.

5. Conflict of interest or otherwise breach the Code

- 5.1 Members may also have a conflict of interest in a decision where for example they represent a body seeking funding from the Council. They might otherwise be in breach of the Code where they or their relatives might be seen to benefit personally from a decision.

6. Members' Training

- 6.1 More than 30 Councillors representing all the political groups, received training on the new Code and DPIs. It is suggested that at least annual training is provided to Members to allow the new Code to be embedded and to take account of the national experience and any best practice.

7. Financial Implications

- 7.1 This report contains no specific financial implications.

8. Legal Implications

- 8.1 These are contained in the body of the report.

9. Recommendation

- 9.1 The Committee is requested to note the report.

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Background Papers:

None