

WEST NORTHAMPTONSHIRE COUNCIL

DEMOCRACY AND STANDARDS COMMITTEE

28 JULY 2022

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| Report Title  | REGISTER OF MEMBERS' INTERESTS  |
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| MO                              | Catherine Whitehead              | 19 July 2022 |
| S151                            | James Smith for Martin Henry     | 20 July 2022 |
| Legal                           | Gina Clarke Governance<br>Lawyer | 19 July 2022 |

**List of Appendices**

None.

**1. Purpose of Report**

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- 1.1 The report provides details of the operation of the Register of Members' interests for the Committee's information.

**2. Executive Summary**

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- 2.1 The West Northamptonshire Council (WNC) Constitution specifies that one of the roles of the Democracy and Standards Committee is to *oversee and develop the Council's Code of Conduct and the overall standards of conduct for Council Members, co-opted Members and Parish and Town Councillors of West Northamptonshire.*
- 2.2 The Work Programme of the Democracy and Standards Committee (the Committee) states that a report will be presented to the June 2022 meeting of the Committee on the operation of the Register of Members' Interests. This was presented to the Committee in June 2022 and this report provides a further opportunity for the Committee to be appraised of the operation of the Register of Members' Interests and to be informed of the status of the Member Register of Interest.

### **3. Recommendations**

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3.1 It is recommended that the Democracy and Standards Committee:

- a) Notes the process that is followed for the operation of the Register of Members' Interests.

#### **3.2 Reason for Recommendations**

3.2.1 The recommendation is intended to enable the Committee to be appraised of the operation of the Register of Members' Interests and thereby enable it to carry out its Standards responsibilities effectively.

3.2.2 The Work Programme of the Committee states that a report shall be presented to the June 2022 meeting of the Committee for consideration. This report was presented to the Committee on 16 June 2022 but this report highlights the operation of the Register of Members' Interests.

3.2.3 To promote compliance by all councillors with the requirement to register their pecuniary interest in the councils' publicly available register.

3.2.4 To promote compliance by all councillors with the Member Code of Conduct in being open and transparent about their personal interests.

3.2.5 To maintain the public's confidence that all councillors are putting the public interest first and are not benefiting their own financial affairs from being a councillor.

### **4. Report Background**

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4.1 As detailed in paragraph 2.1 above, *"The Standards responsibilities of the Committee are to oversee and develop the Council's Code of Conduct and the overall standards of conduct for Council Members, co-opted Members, and Parish and Town Councillors of West Northamptonshire."* Therefore, information relation to the operation of the Register of the Members' Interests will be provided to inform this role of the Committee.

#### **Operation of Member's Register of Interests**

4.2 Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority. Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer.

4.3 As reported to the meeting of this Committee in June 2022, upon election in May 2021 each Councillor was provided with a Welcome Pack that contained a number of documents, one of which was the Register of Interest form that Councillors were asked to complete and return to the Monitoring Officer within 28 days of being elected. The Register of Interest form contains guidance notes to assist Councillors in completing the form.

- 4.4 A training session for all Councillors was delivered by the Monitoring Officer in May 2021, the content of which included information and guidance around the completion of Register of Interests; a further training session took place in June 2022 for those Members that were unable to attend the May 2021 session. The purpose of these important training sessions is to ensure Members are aware of their obligations to complete the Register of Interest forms (the forms) and what should be include within each section of the form. The sessions were recorded and the presentations used are saved in a Teams Channel that all Members can access. The purpose of this is to enable Members to use the documents and recordings as a refresher should then need to remind themselves of anything in relation to the Code of Conduct and the Register of Members' Interests.
- 4.5 The administration of the forms is managed by Democratic Services. As soon as new and updated forms are received from Councillors, the content is added to the Committee Management System and documented under the relevant Councillor. A paper Register is also kept in the office and is available should a member of the public request to view this.
- 4.6 During 2021/2022 as reported to this Committee complaints were received by the Monitoring Officer that some Councillors Register of Interest forms were not fully completed. The Monitoring Officer resolved these complaints informally and instructed Democratic Services to speak with the Councillors and assist them in completing their Register of Interest Forms fully. From the complaints received during 2021/2022, all Councillors have been contacted and if required their Register of Interest Forms updated. A response is still awaited from one Councillor.
- 4.7 As detailed in a separate report on this agenda, a complaint has been received regarding a Member's Register of Interest for 2022/2023 and this complaint is being assessed by the Monitoring Officer.
- 4.8 On a quarterly basis, the Monitoring Officer issues a reminder to all Councillors regarding the completion of their Register of Interest forms and highlights the guidance notes for each section. A reminder was issued recently to Councillors. From this, Councillors may update their forms accordingly. In addition, if it is brought to the attention of the Monitoring Officer that there could be an omission on the form of a Councillor, contact is made with that Councillor to discuss their form and to ascertain whether it requires updating. . Ultimately, however, it is the responsibility of Councillors rather than officers to complete the Register entries correctly.

### **Parish Councillors**

- 4.9 West Northamptonshire Council keeps a log of the Register of Interest forms of Parish Councillors within West Northamptonshire and an electronic copy of each form provided is published to the website of WNC.

## **5 Issues and Choices**

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- 5.1. Members are asked to note the information provided in respect of the operation of the Register of Interests.

## **6. Implications (including financial implications)**

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### **6.1 Resources and Financial**

- 6.1.1 There are no immediate financial implications arising from the proposals.
- 6.1.2 There are no direct manpower implications arising from this report, however, the Committee will be aware that the handling and processing of the Register of Interests is resource intensive.

### **6.2 Legal**

- 6.2.1 Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority. Within 28 days of becoming a Member or the re-election or re-appointment to office, the Councillor must register with the Monitoring Officer.
- 6.2.2 Councillors must ensure that their Register of Interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
- 6.2.3 Failure to appropriately declare and act on prejudicial interests would mean that the Councillors has not complied with the Code of Conduct and may have committed a criminal offence . It may also leave a Council decision in which the Councillor has participated open to legal challenge.
- 6.2.4 Failure to declare and register significant personal interests could mean that the Councillor has not complied with the Council's Code of Conduct

### **6.3 Risk**

- 6.3.1 None specifically from this report as the report is detailing the operation of Register of Interests.

### **6.4 Communication and Consultation**

- 6.4.1 This is an update report for the Committee's information and is therefore not appropriate for wider consultation.

### **6.5 Consideration by Overview and Scrutiny**

- 6.5.1 This is an update report for the Committee's information, and it is therefore not appropriate to be referred to Overview and Scrutiny.

## **6.6 Climate Impact**

6.6.1 There are no immediate climate implications arising from this report.

## **6.7 Community Impact**

6.7.1 There are no immediate community implications arising from this report.

## **7 Background Papers**

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The Register of Members' Interests

Training log and reminders to all Councillors

Democracy and Standards Committee agenda and minutes - 16 June 2022