

Agenda

Standards and Ethics Committee

Wednesday, 18 October 2023, 10.00 am
Lakeview Room, County Hall, Worcester

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DISCLOSING INTERESTS

There are now 2 types of interests:
'Disclosable pecuniary interests' and **'other disclosable interests'**

WHAT IS A 'DISCLOSABLE PECUNIARY INTEREST' (DPI)?

- Any **employment**, office, trade or vocation carried on for profit or gain
- **Sponsorship** by a 3rd party of your member or election expenses
- Any **contract** for goods, services or works between the Council and you, a firm where you are a partner/director, or company in which you hold shares
- Interests in **land** in Worcestershire (including licence to occupy for a month or longer)
- **Shares** etc (with either a total nominal value above £25,000 or 1% of the total issued share capital) in companies with a place of business or land in Worcestershire.

NB Your DPIs include the interests of your spouse/partner as well as you

WHAT MUST I DO WITH A DPI?

- **Register** it within 28 days and
- **Declare** it where you have a DPI in a matter at a particular meeting
 - you must **not participate** and you **must withdraw**.

NB It is a criminal offence to participate in matters in which you have a DPI

WHAT ABOUT 'OTHER DISCLOSABLE INTERESTS'?

- No need to register them but
- You must **declare** them at a particular meeting where:
You/your family/person or body with whom you are associated have a **pecuniary interest** in or **close connection** with the matter under discussion.

WHAT ABOUT MEMBERSHIP OF ANOTHER AUTHORITY OR PUBLIC BODY?

You will not normally even need to declare this as an interest. The only exception is where the conflict of interest is so significant it is seen as likely to prejudice your judgement of the public interest.

DO I HAVE TO WITHDRAW IF I HAVE A DISCLOSABLE INTEREST WHICH ISN'T A DPI?

Not normally. You must withdraw only if it:

- affects your **pecuniary interests** **OR** relates to a **planning or regulatory** matter
- **AND** it is seen as likely to **prejudice your judgement** of the public interest.

DON'T FORGET

- If you have a disclosable interest at a meeting you must **disclose both its existence and nature** – 'as noted/recorded' is insufficient
- **Declarations must relate to specific business** on the agenda
 - General scattergun declarations are not needed and achieve little
- Breaches of most of the **DPI provisions** are now **criminal offences** which may be referred to the police which can on conviction by a court lead to fines up to £5,000 and disqualification up to 5 years
- Formal **dispensation** in respect of interests can be sought in appropriate cases.

Standards and Ethics Committee
Wednesday, 18 October 2023, 10.00 am, Lakeview Room,
County Hall, Worcester

Membership: Cllr Bob Brookes (Chairman), Cllr Dan Boatright-Greene,
 Cllr David Chambers, Cllr Laura Gretton, Cllr Steve Mackay,
 Cllr Dan Morehead, Cllr Mike Rouse and Cllr Tom Wells

Independent Members (Non-voting): Dr M Mylechreest, Dr P Whiteman,
 and vacancy

Agenda

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| 1 | Apologies and Named Substitutes | |
| 2 | Declarations of Interest | |
| 3 | Public Participation Members of the public wishing to take part should notify the Assistant Director for Legal and Governance in writing or by e-mail indicating both the nature and content of their proposed participation no later than 9.00am on the working day before the meeting (in this case 17 October 2023). Enquiries about this can be made through the telephone number/e-mail address listed in this agenda and on the website. | |
| 4 | Confirmation of Minutes To confirm the Minutes of the meeting held on 16 March 2023. (previously circulated) | |
| 5 | Members Register of Interests | 1 - 2 |
| 6 | Member Code of Conduct Training | 3 - 4 |
| 7 | Work Programme | 5 - 6 |

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To obtain further information or a copy of this agenda contact Simon Lewis, Committee Officer on 01905 846621, slewis@worcestershire.gov.uk

All the above reports and supporting information can be accessed via the Council's website

Date of Issue: Monday, 9 October 2023

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STANDARDS AND ETHICS COMMITTEE

18 OCTOBER 2023

MEMBERS REGISTER OF INTERESTS

Recommendation

- 1. The Assistant Director for Legal and Governance recommends that the Members Register of Interests be updated so that it is in line with the Members Code of Conduct adopted at the Council meeting on 18 May 2023.**

Background

2. All elected members are required by law to complete a register of interests form to provide details of any financial or other interests that might give rise to a conflict of interest, when undertaking their duties as a councillor. Each Councillor must register their interests within 28 days of taking office, and they are obliged by law to keep their statutory register up to date and to inform the council's Monitoring Officer of any changes within 28 days of the change occurring.
3. Section 29 Localism Act 2011 requires monitoring officers of relevant authorities to establish and maintain a register of members' and co-opted members' interests, to make the register available for inspection and to publish it on their authority's website.
4. The current Members Register of Interests requires members to register Disclosable Pecuniary Interests which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.
5. The Committee recommended at its meeting on 16 March 2023 that the Local Government Association member code of conduct be adopted by full Council as the County Council's Code of Conduct. Full Council accepted this recommendation at its meeting on 18 May 2023. A link to the Members Code of Conduct is at Appendix One.
6. The new Member Code of Conduct requires Councillors, in addition to registering Disclosable Pecuniary Interests, to register details of other person interests which fall under the categories as asset out in Table 2 of Appendix B of the Code of Conduct (see link to Code in Appendix One of this report.)
7. To comply with the Code Members must now register two different categories of interests:
 - i) Disclosable Pecuniary Interests – these are categories of interests which apply to you and your partner (spouse or civil partner, a person with whom you are living as husband or wife, or person with whom you are living as if you are civil partners). The categories as set out in regulations made under s27 Localism Act 2011 and knowing non-compliance is a criminal offence.

- ii) Other registrable interests- these are interests which apply only to members (not their partner) and should be registered as an aid to transparency. Failure to register these interests is not covered by the criminal offence but would be a breach of the code.

8. The Assistant Director of Legal and Governance will update the Members Register of Interests so Members can register their other Registrable Interests as required by the Member Code of Conduct. A guidance note will be prepared for Councillors.

Legal implications

- 9. The legal implications are set out within the body of the report.

Finance implications

- 10. There are no finance implications arising from this report.

Supporting Information

Appendix

[Members Code of Conduct](#)

Contact Points

Specific Contact Points for this report

Hazel Best, Assistant Director for Legal and Governance

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Email: hbest@worcestershire.gov.uk

Background Papers

In the opinion of the proper office (in this case the Assistant Director of Legal and Governance) the following are the background papers relating to the subject matter of this report.

[Link to agenda report pack for Council meeting on 18 May 2023](#)

STANDARDS AND ETHICS COMMITTEE

18 OCTOBER 2023

MEMBER CODE OF CONDUCT TRAINING

Recommendation

- 1. The Committee is asked to consider a programme of training on the Members Code of Conduct and for the Assistant Director for Legal and Governance to be responsible for providing this.**

Background

2. Codes of Conduct play an important role in maintaining ethical standards in an organisation. All councils are required to have a local Councillor Code of Conduct.
3. The Council adopted the Local Government Association Member Code of Conduct at its meeting on 18 May 2023.
4. The purpose of the Code of Conduct is to assist Councillors in modelling the behaviour expected of them and to set out the type of conduct that could lead to action being taken against you. Guidance issued by the Local Government Association states that the fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.
5. The Committee is asked to consider what training they consider it will be helpful for members to receive in relation to the Code of Conduct adopted on 18 May 2023. This can include training on the new category of interests Members need to register, "Other Registrable Interests".
6. The Assistant Director of Legal and Governance recommends training on the new Code of Conduct and thereafter annual refresher training. This training can be on themes which the Committee considers it will be helpful for members to receive training on.

Legal implications

7. The legal implications are set out within the body of the report.

Finance implications

8. There are no finance implications arising from this report.

Supporting Information

Appendix One

[Members Code of Conduct](#)

Contact Points

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Email: hbest@worcestershire.gov.uk

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STANDARDS AND ETHICS COMMITTEE

18 OCTOBER 2023

WORK PROGRAMME

Recommendation

- 1. The Committee is asked to note its future work programme and consider whether there are any matters it would wish to be incorporated.**

Work Programme

January 2024

Review of Code of Conduct Procedure for Assessment, Investigation and Hearing of Complaints

Review of Member/ Officer Relations Protocol

April 2024

Annual report on Code of Conduct complaints

July 2024

Review of Code of Conduct training for members

October 2024

Contact Points

Simon Lewis, Committee Officer
Tel: 01905 846621
Email: slewis@worcestershire.gov.uk

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