

STANDARDS COMMITTEE

24 October 2013

OPENNESS AND TRANSPARENCY ON PERSONAL INTERESTS – A GUIDE FOR COUNCILLORS

REPORT OF CHIEF OPERATING OFFICER

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RECENT REFERENCES:

Report ST98 – Standards Issues: Update (24/6/13)

EXECUTIVE SUMMARY:

The Department for Communities and Local Government (DCLG) has issued slightly revised guidelines to assist Members with deciding whether or not they have an interest to declare and, if so, what action to take (attached as Appendix A).

Much of the guidance is the same as previously circulated to Members as an appendix to Report ST98, but there are two issues to which particular attention is drawn.

The first concerns the question about whether or not all Members needed to declare a Disclosable Pecuniary Interests (DPI) in the annual Council Tax debate and the uncertainty about this which prevailed earlier in the year. It will be recalled that, for the avoidance of doubt, the Council (along with many other local authorities) agreed that each Member receive a Dispensation to speak and vote in this debate, for the duration of their term of office as a Councillor. The revised guidelines confirm that this is no longer necessary, as participation in the Council Tax debate – in the view of DCLG - does not constitute a DPI. This clarification is welcomed and our Dispensation could be cancelled.

The second issue relates to the need to declare Trade Union membership. The revised guidelines state that membership of a Trade Union should be treated as a personal, non pecuniary interest and, if a Member is sponsored by a Trade Union, it becomes a DPI. As a DPI, union sponsorship would need to be declared on the Register of Interests.

There is a further suggestion by the DCLG to highlight Trade Union membership and the guidance says authorities should require this to be declared on the Register of Interests form. There seems no valid probity reason why such membership should be singled out from amongst many other organisations that could be declared and the guidance goes beyond the requirements of the Localism Act 2011. Therefore, as the proposal is only guidance, it is suggested that the Council does not adopt it and maintains its existing approach.

RECOMMENDATIONS:

1. That the revised guidance and clarification of the Council Tax issue be welcomed and the existing dispensation given to all Members be cancelled.
2. That declaration of Trade Union membership on the Register of Interests form be not required, unless a Member is being sponsored, in which case it is already a Disclosable Pecuniary Interest.

OTHER CONSIDERATIONS:

COMMUNITY STRATEGY (RELEVANCE TO):

An Efficient and Effective Council

RESOURCE IMPLICATIONS:

None.

RISK MANAGEMENT ISSUES

None

BACKGROUND DOCUMENTS:

None

APPENDICES:

Appendix 1

DCLG Circular – Openness and Transparency on Personal Interests: A Guide for Councillors