



## **City of Westminster Standards Committee**

**Date:** 13 July 2010

**Classification:** For General Release

**Title:** Declaring Interests at Formally Constituted Meetings of the City Council

**Report of:** The Head of Legal Services

**Wards Involved:** None

**Financial Summary:** There are no financial implications

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### **1. Executive Summary**

- 1.1 At its meeting on the 15 February Councillor Bush raised the issue of whether for the purposes of clarity and as a reminder Members of the City Council should declare any personal or prejudicial interests both at the start of a meeting and when the item to which the declaration applies is reached. Subsequently the Committee requested that a report on this matter be presented to this meeting.
- 1.2 This report outlines the requirements on declaring interests at formally constituted meetings of the City Council as set out in the Members' Code of Conduct, sets out the current practice by Members of the City Council and those Members of other local authorities and considers the pro and cons of Councillor Bush's suggestion.

### **2. Recommendations**

- 2.1 That the Standards Committee confirm, in the light of advice from the Head of Legal Services, the current practice where Members of the City Council have a personal interest in any business of the Authority and attend a meeting of the Authority they should disclose that interest at the start of the meeting or as soon as the interest becomes apparent and in respect of prejudicial interests these also be declared at the commencement of the meeting and this will be endorsed when the Member leaves the meeting as required for the item.

### **3. Background**

- 3.1 At its meeting on 15 February 2010, the Standards Committee considered a follow-up to the Ethical Governance Audit which had originally conducted in 2005.
- 3.2 During the discussion Councillor Ruth Bush raised the issue of whether for the purpose of clarity and as a reminder Members of the City Council should declare any personal or prejudicial interests both at the start of a meeting and when the item to which the declaration applies is discussed. Accordingly, the Committee requested that a report on this matter be presented.

### **4. Detail**

- 4.1 The current rules governing the declaration of interests by Members, including those at meetings, is set out in *The Local Authorities [Model Code of Conduct] Order 2007 No 1159*. The first Code of Conduct for Members was introduced in November 2001 and came into force in May 2002.
- 4.2 The revised code followed consultation with local authorities on proposed amendments which were carried out between 22 January and 9 March 2007. The Committee at its meeting on 13 March 2007 considered and agreed the Council's response to the consultation on the draft revised code, it having been given a short extension to the consultation.
- 4.3 The 2007 Order was issued on 4 April 2007. The new model code came into effect on 3 May and, in accordance with the provisions of Section 51 of the Local Government 2000, Authorities had until 1 October 2007 to adopt the code. The code applies to all local councillors in England and consolidates and replaces the four separate codes of conduct issued in 2001 in respect of members of different categories of authorities. All aspects of the code are mandatory.
- 4.4 The City Council's rules relating to interests are set out in Part 2 of its Members Code of Conduct. Section 9 (1) which relates to the disclosure of personal interests states that:

'Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- 4.5 The current practice at formal meetings of the City Council is for Members to declare personal and prejudicial interests at the start of each meeting or as soon as that interest becomes apparent. The former is reflected in meeting agendas where declarations of interest are listed as a stand alone item. Where an interest is prejudicial Members having so declared at the start of the appropriate item are required to leave the room. Following enquiries with other local authorities officers have established that the City Council's practices and

those of its Members in this respect are common place with those practised at many other local authorities. The Head of Legal Services has also confirmed that he is satisfied the City Council's approach meets the duty and requirements of the 2007 Order.

- 4.6 Officers have considered the benefits and disadvantages of whether Members should declare their interests both at the start of meetings and when the item to which the declaration applies is reached. Including a stand alone item for declarations of interest on the agendas of formally constituted meetings has the benefit of reminding Members of their duties and acts as a prompt for them to consider such issues in advance of the meeting. A standard paragraph in all of the City Council's agenda advises Members where guidance on interests can be found as well as who to contact should they have any queries relating to a possible interest. Declaring an interest again when the item to which it applies is reached could be beneficial for instance if members of the public were not present for the start of a meeting or as a reminder at meetings where a large number of interests have been declared. However, this has to be weighed up against the disadvantage of potentially slowing down the consideration of business on the agenda. In light of the latter disadvantage, officers consider that the current approach should be reaffirmed.

## **5. Legal Implications**

- 5.1 The legal implications are contained within the body of this report.

## **6. Financial Implications**

- 6.1 There are no financial implications arising from this report.

If you wish to inspect one of the background papers please contact  
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## **Background Papers**

Report to the Standards Committee 10 July 2007