

## **Ethical Standards and Member Development Committee**

**7 February 2020**

<b>Subject:</b>	Annual Review – Register of Members’ Interests and Gifts and Hospitality Register
<b>Director:</b>	Director of Law and Governance and Monitoring Officer - Surjit Tour
<b>Contribution towards Vision 2030:</b>	
<b>Contact Officer:</b>	Trisha Newton Trisha_newton@sandwell.gov.uk

### **DECISION RECOMMENDATIONS**

#### **That the Ethical Standards and Member Development Committee:**

- 1.1 Considers the Register of Members’ Interests and Gifts and Hospitality Register and declaration of interests made by Members.
- 1.2 Notes the contents of this report and makes any relevant recommendations to the Director of Law and Governance and Monitoring Officer after consideration of the Register of Members’ Interests and Gifts and Hospitality Register.

## **1 PURPOSE OF THE REPORT**

### **Register of Members’ Interests**

- 1.1 The statutory requirements relating to the Register of Members’ Interests are set out in Section 29 of the Localism Act 2011. It requires the Monitoring Officer to establish and maintain a Register of Members’ Interests which also includes the interests of co-opted members of the Council.
- 1.2 The Council’s present arrangements comply with the statutory provisions.

- 1.3 The statutory requirements also provide that the Council must ensure that copies of the Register are available at an office of the authority for inspection by members of the public at all reasonable hours.
- 1.4 The Register is available for inspection at the Sandwell Council House upon a request being made to the Monitoring Officer.
- 1.5 The Members' Register of Interests is available for the public to view on the Council's website.
- 1.6 The Council's arrangements enable the public to view details of each individual Member's interests [including co-opted members] on the Council's website via the Committee Management Information System (CMIS).
- 1.7 One to one meetings with the Monitoring Officer and senior legal staff are offered to members.
- 1.8 The Registers are periodically reviewed by the Monitoring Officer.
- 1.9 The work programme provides for an annual review of the Register. The paper Register will therefore be available at the meeting for members to peruse.

### **Gifts and Hospitality Register**

- 1.10 Guidance is available to all members on how to treat offers of gifts and hospitality and the process for declaring such offers. This guidance forms part of the Council's Constitution. This guidance was last reviewed by the Committee in March 2015 as part of the review of the Code of Conduct.
- 1.11 The Monitoring Officer maintains a public register of members' interests and also a record of any gift or hospitality received with an estimated value of at least £100.00. The Register of Members' Gifts and Hospitality is available for inspection by the public at all reasonable hours. Declarations of gifts and hospitality by individual members are also recorded on the Committee Management Information System [CMIS] on the Council's web site and can be accessed at any time from the internet.
- 1.12 The Registers are periodically reviewed by the Director of Law and Governance and Monitoring Officer.

- 1.13 The Committee last inspected the Register of Interests in December 2018 and its work programme provides for an annual review of the Register. The paper Register will therefore be available at the meeting for members to peruse.

## **2 IMPLICATIONS FOR SANDWELL'S VISION**

- 2.1 Maintenance of the Members' Register of Interests contributes to public confidence in local democracy and is an essential part of good corporate governance.
- 2.2 The Members' Register of Gifts and Hospitality is an important instrument of openness and good governance. It provides an accessible record of the gifts and hospitality received by members. Monitoring and review of the Register will help to contribute to better corporate governance which underpins the delivery of high quality services.

## **3 STRATEGIC RESOURCE IMPLICATIONS**

- 3.1 There are no strategic resource implications arising from this report.

## **4 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 4.1 The Authority has a statutory duty under the Localism Act 2011 to promote and maintain high standards of conduct by Members. The Authority is also obliged to have in place a Code of Conduct.
- 4.2 The new standards arrangements are set out in chapter 7 of the Localism Act 2011, and in secondary legislation made under the Act, particularly in The Relevant Authorities (Disclosure of Pecuniary Interests) Regulations 2012.
- 4.3 The Localism Act 2011 strengthens requirements on members to register and disclose interests.
- 4.4 The Localism Act 2011 (and Regulations made under the Act) did not include any provisions requiring Members' or co-opted Members' to register Gifts and Hospitality, which was formerly the case. However, the Council does still have a duty to promote high standards of conduct by Members' and co-opted Members'.

- 4.5 The Members' Code of Conduct describes the interests of any person from whom a member has received a gift or hospitality with an estimated value of at least £100.00 as other registerable interest of the member.
- 4.6 The Protocol for Members' on Gifts and Hospitality sets out important guidance for Members' on the acceptance of Gifts and Hospitality.
- 4.7 Maintaining a Protocol on Gifts and Hospitality also assists the Council to comply with the requirements of the Bribery Act 2010. Under the Bribery Act 2010 all employees and Elected Members' are prohibited from soliciting, arranging or accepting bribes intended for the benefit of the Council, or for their personal benefit, or for the benefit of the employee's family, associates or acquaintances.

## **5 EQUALITY IMPACT ASSESSMENT**

- 5.1 There is no requirement for an equality impact assessment.

## **6 DATA PROTECTION IMPACT ASSESSMENT**

- 6.1 There is no requirement for a data protection impact assessment.

## **7 CRIME AND DISORDER AND RISK ASSESSMENT**

- 7.1 There is no requirement for a crime and disorder and risk assessment.

## **APPENDICES:**

None

**Surjit Tour**  
**Director of Law and Governance and Monitoring Officer**