

**Manchester City Council
Report for Information**

Report to: Standards Committee – 21 March 2019

Subject: Register of Members' Interests

Report of: The City Solicitor

Summary

To review the operation and efficacy of the process for updating the Register of Members Interests.

Recommendation

That the Committee note the report.

Wards Affected: All

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Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

Manchester City Council Register of Members' Interests
Ethical Guidance update.

1. Introduction

The Committee has requested a separate report to its March 2019 meeting on the operation and efficacy of the process for updating the Register of Members' Interests.

2. The Requirement to Register Interests.

- 2.1 The Localism Act 2011 requires Members to notify the Council's Monitoring Officer within 28 days of becoming a Member of any Disclosable Pecuniary Interests (DPIs).
- 2.2 In addition if a Member is present at a meeting and they have a disclosable pecuniary (i.e. financial) interest in any matter to be considered or being considered at the meeting which is not yet registered or the subject of a pending notification, they must notify the Monitoring Officer of the interest within 28 days.
- 2.3 These requirements are set out in the Council's Code of Conduct for Members (the Code).
- 2.4 The list of what constitutes a DPI is set out in regulations and in the Code (a copy of the Code is attached as an Appendix to this report.)
- 2.5 As indicated in the Code it is a criminal offence to fail to notify the Monitoring Officer, within 28 days, of a DPI which has been declared at a meeting which is not on the Register of Members' Interests. This includes participating in any discussion or vote on a matter in which the Member has a DPI which has not been declared; knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting. The criminal penalties available to a court are to impose an unlimited fine and disqualification from being a councillor for up to 5 years.
- 2.6 Councils do not need to require Members to include specific 'non pecuniary' Interests on their Register of Interests but many, including Manchester, do. The purpose of the Register is to be open and transparent about those interests and relationships that could lead to a conflict of interest.
- 2.7 As indicated in the report on the Committee on Standards in Public Life's (CSPL) Report on Ethical Standards in Local Government elsewhere on the Agenda the CSPL is recommending significant changes to Registration of Members' Interests including a change in the law to extend the categories of DPIs, to abolish criminal offences in relation to DPIs, to change the law to create a new objective test in relation to non-pecuniary interests and recommending the Local Government Association create an updated model code of conduct (which will include registration of interests) in order to enhance the consistency and quality of local authority codes. The views of the Government on the report are awaited.

3. Registration of Interests – Operation and Efficacy

3.1 All new Members receive training as part of their induction on registration of interests and all new Members have registered their interests. Reminders to Members regarding updating their Register of Interests are contained in the Ethical Governance Update sent to all Members twice a year and are given by specific email reminders to all Members. Email reminders regarding revision of existing register entries was sent to all Councillors in July 2018 and November 2018.

- 8 Councillors updated their Register of Interests in response to the July reminder.
- 9 Councillors had already updated their Register during the course of 2018.
- 26 Councillors updated their Register in response to the November reminder.

3.2 Committee minutes record declarations of interests at meetings. As the Committee will be aware whilst officers do provide advice to Members, if asked, on Members' interests it is the responsibility of individual members to comply with the requirements of the Code of Conduct. If they have queries members do routinely seek officer advice in relation to declaration of interests.

3.3 As members will recall from the Standard's Committee's Annual report considered by this Committee at its last meeting none of the complaints received by the Monitoring Officer related to Register of Interests issues. As indicated above complaints about failure to register a DPI are subject to criminal sanction. The Monitoring Officer is not aware of any action having been taken by the Police in relation to any Manchester City Councillor as regards DPI requirements

3.4 All members have been advised that if they consider that the disclosure of the details of a disclosable pecuniary interest or personal interest could lead to violence or intimidation against them, or to a person connected with them, and the Monitoring Officer agrees, the details of the disclosable interest can be withheld from the public register under section 32(2) of the Localism Act 2011. The public register will simply state that the member has a disclosable pecuniary interest. To date the Monitoring Officer has agreed 5 requests for redaction of a Councillor's home or work address from the Register. As indicated elsewhere on this Agenda the CSPL are recommending that the law is changed to clarify that a Member does not need to register their home address in their Register of Interests.

3.5 The Monitoring Officer is of the view that Register of Interests requirements are understood by Members but will as a matter of good practice be issuing specific guidance to all Members regarding declaration of interests at meetings.

4. Recommendation

The Committee is asked to note this Report.