

STANDARDS COMMITTEE



Report subject	Declaration of Interests - Flowchart
Meeting date	9 July 2019
Status	Public Report
Executive summary	<p>The Standards Committee is responsible for ethical governance and promoting high standards of conduct of councillors.</p> <p>This report seeks to approval of a guidance flowchart to assist councillors determine whether they have a declarable interest and whether participation at a meeting would be appropriate.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>the declaration of interest at a meeting flowchart, as set out in Appendix 1 to this report, be approved and included on all meeting agenda front sheets to serve as a reminder and guidance to councillors of the need to declare, and, where appropriate, refrain from participating in an item of business before the council.</p>
Reason for recommendations	<p>To promote and maintain high standards of conduct by all decision makers and to provide guidance on the potential requirement to withdraw from a meeting where a declarable interest, bias or predetermination exists.</p>

Portfolio Holder(s):	Councillor Vikki Slade (Leader of the Council)
Corporate Director	Julian Osgathorpe (Corporate Director Resources)
Contributors	Richard Jones, Head of Democratic Services
Wards	Authority-wide
Classification	For Decision

Background

1. The Standards Committee has statutory responsibility for promoting and maintaining high standards of conduct of councillors, including the provision of advice and guidance to all councillors on their declaration of interests.
2. The responsibility of councillors to declared interests, bias or predetermination falls wholly upon the individual councillor. Guidance may be provided by the Council's Monitoring Officer in relation to specific enquiries in advance of meetings.
3. However, occasionally councillors will become aware at a meeting that they may have an interest in a matter, either from information within the report or from information provided at the meeting, and as a consequence seeks the guidance of the Democratic Services Officer.
4. Whilst the Democratic Services Officer will always seek to provide immediate advice, it can be difficult to do so without necessarily appreciating all the facts and thus appearing to shift responsibility from the individual councillor to the officer concerned. There are risks associated with this provision of advice in such circumstances to the officer and councillor concerned.

Guidance Flowchart

5. The Committee is asked to consider the flowchart which is attached to this report at Appendix 1. The flowchart is designed to provide guidance to a councillor to determine whether they have an interest in an item and if so, what course of action they should take.
6. If supported, the flowchart could be appended to all agenda front-sheets for ease of reference at any meeting.

Resource Implications

7. There are no additional manpower implications arising from this report.

Funding

8. The cost of the additional page will be met from existing resources.

Summary of financial implications

9. There are no financial implications arising from this report.

Summary of legal implications

10. Councillors have a legal responsibility to make declarations of interest at meetings of the council. Failure to declare an interest could expose both the Councillor and the Council to legal challenge and potentially damage the reputation of the Council.

Summary of human resources implications

11. There are no requirements for additional manpower resources arising from this report.

Summary of environmental impact

12. There are no significant and quantifiable environmental implications arising from this report. Although this may result in additional use of paper on some agenda, this will be offset by the reduction in overall paper copies being reduced as councillors move towards paperless meetings.

Summary of public health implications

13. There are no public health implications arising from this report.

Summary of equality implications

14. There are no equality implications arising from this report.

Summary of risk assessment

15. The implementation of the proposed workflow will act as a reminder and provide clarity and guidance to individual councillors considering whether they have an interest to declare. The use of the flowchart will provide reassurance that participation is appropriate and reduce the likelihood of legal challenge.

Background papers

Published works

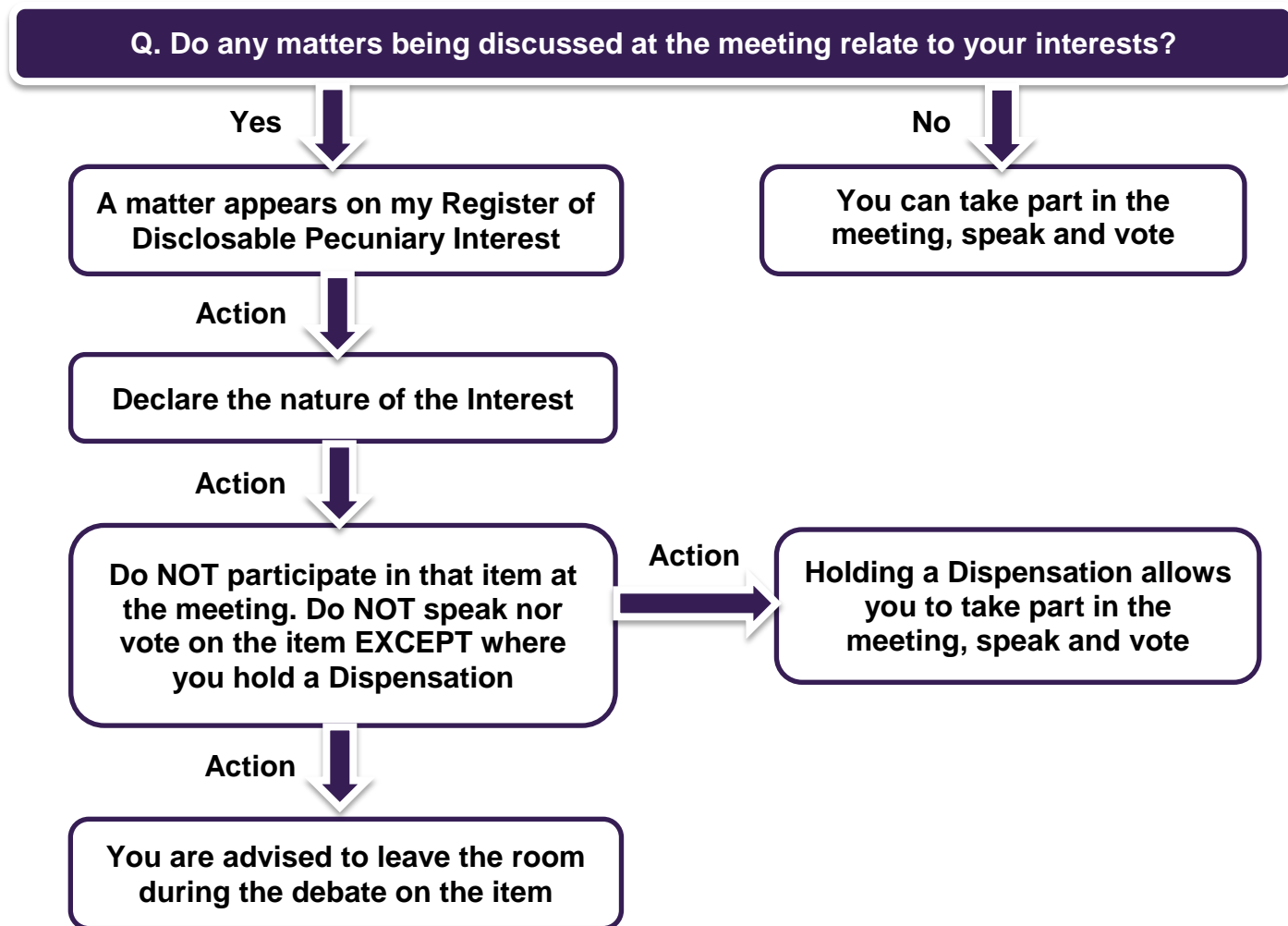
Appendices

Appendix 1 – Proposed Declaration Interest Flowchart

DECLARATION OF INTEREST AT A MEETING

As a Councillor, ask yourself do I have an interest to declare at the meeting I am attending? Familiarise yourself with the Councillor Code of Conduct which can be found in Part 6 of the Council's Constitution.

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests.



Q. What are the principles of bias and pre-determination and how do they affect my participation in the meeting?

Bias and Predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item. A challenge may be mounted in the courts.

Bias Test

In all the circumstances would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased.

Predetermination Test

At the time of making the decision, the decision maker had a closed mind.

If a Councillor appears to be biased or have predetermined their decision, they **MUST NOT** participate in the meeting.