

# STANDARDS COMMITTEE

## Openness and Transparency on Personal Interests - A Guide for Councillors

25th April 2013

### Report of the Monitoring Officer

#### PURPOSE OF REPORT

To advise members of revised guidance on interests, issued by the government.

**This report is public**

#### RECOMMENDATIONS

**(1) That the revised Guidance be noted, and circulated to all city councillors and parish councils within the district.**

##### **1.0 Introduction**

- 1.1 Following the implementation of the Localism Act 2011, the government issued in August 2012 a guide for councillors on interests. A revised version has now been issued, and a copy is attached to this report for members' information.
- 1.2 The guidance confirms the government's view that all councillors are required to register their disclosable pecuniary interests, notwithstanding the fact that the strict wording of the Localism Act 2011 can be interpreted as meaning that the requirement applies only following the election of a councillor after the coming into force of the Act.
- 1.3 The revised guidance sets out the government's view that councillors who have registered a beneficial interest in land do not thereby have a DPI when the Council considers setting the council tax or precept. This has been the subject of much legal argument, and members will recall that, based on her understanding of the law, the Monitoring Officer previously advised that it would be safer for councillors to obtain the protection of a dispensation in these circumstances. .

##### **2.0 Proposal Details**

- 2.1 The revised Guidance is attached to this report, and it is the Monitoring Officer's intention to circulate it to all city councillors, and to all parish councils

within the district.

### **3.0 Details of Consultation**

3.1 There has been no consultation.

### **4.0 Conclusion**

4.1 The Committee is asked to note the revised Guidance.

#### **CONCLUSION OF IMPACT ASSESSMENT**

**(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

None directly arising from this report.

#### **LEGAL IMPLICATIONS**

The government document is guidance only. Any legal interpretation of the Localism Act 2011 would be a matter for the courts.

#### **FINANCIAL IMPLICATIONS**

None directly arising from this report.

#### **OTHER RESOURCE IMPLICATIONS**

**Human Resources:**

None

**Information Services:**

None

**Property:**

None

**Open Spaces:**

None

#### **SECTION 151 OFFICER'S COMMENTS**

The Section 151 Officer has been consulted and has no further comments.

#### **MONITORING OFFICER'S COMMENTS**

The report has been prepared by the Monitoring Officer in her role as adviser to the Standards Committee.

#### **BACKGROUND PAPERS**

None

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