

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2013/2014**

**COUNCIL  
30th October 2013**

**REPORT OF THE MONITORING  
OFFICER**

<b>AGENDA NO.8</b>	
<b>REVIEW OF THE CURRENT MEMBERS' DECLARATION OF INTEREST AT MEETINGS FORM – RECOMMENDATIONS FROM THE STANDARDS COMMITTEE</b>	

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**1. Purpose of Report**

- 1.1 To consider recommendations from the Standards Committee in relation to Members' declaration of interests at meetings and seek Members' comments on a proposed revised form in respect of recording such declarations.
- 1.2 To remind Members of the circumstances when the Standards Committee may grant dispensations.

**2. Recommendations**

It is recommended that Council: -

- 2.1 Note that the Standards Committee has reviewed examples of completed declaration of interest at meetings forms and as a result has several recommendations it wishes to communicate to Members as set out in paragraph 4 of the report.
- 2.2 Consider a draft revised form, annexed at Appendix 1 to the report, in relation to recording declaration of interests at meetings and provide comments/feedback on the same and note that the new form is proposed to come into effect from 1<sup>st</sup> December 2013.
- 2.3 Agree that Members should receive refresher training in respect of declarations of interests at meetings together with guidance on using the amended form, with such training scheduled to be provided before the Development Control Committee meetings scheduled for 7<sup>th</sup> and 21<sup>st</sup> November 2013.

- 2.4 Note the statutory framework in respect of the granting of dispensations by the Standards Committee, the circumstances when the Standards Committee may grant such dispensations, as set out in Appendix 2 to the report, and that the Council's current application form will be shortly amended.

### **3. Background**

- 3.1 At the Wales Standards Conference earlier this year Standards Committee Members attended a workshop which covered declaration of interests at meetings.
- 3.2 As part of the Standards Committee's Work Programme members agreed that they should review the position as to the declaration of interests at meetings within this Council in light of the best practice across Wales and guidance outlined to them at the conference.
- 3.3 At their last meeting Standards Committee members reviewed several examples of completed forms by Members in respect of such declarations, noting that some forms were incomplete and there greater clarity was needed to identify whether the interest declared was personal or personal and prejudicial. Following the review the Committee wished to communicate several recommendations to Members.

### **4 Standards Committee Recommendations**

- 4.1 Members need to clearly identify the particular item of business on the Agenda to which the personal interest relates.
- 4.2 The nature of the interest needs to be clearly stated and readily identifiable.
- 4.3 Members should be giving reasons why they consider their personal interest is either prejudicial or not prejudicial.
- 4.4 Members should be confirming what action they took as a result of the declaration i.e. participated fully in the item, left the meeting etc.
- 4.5 The declaration of interest at meeting form must be fully completed and handed in to a member of the Democratic Services staff during the course of the meeting or immediately after.

### **5. Ombudsman's Guidance on the Members' Code of Conduct of Conduct**

- 5.1 The guidance sets out detailed advice to Members in respect of what constitutes a personal interest and when a personal interest becomes a prejudicial interest.

### Requirement to disclose personal interest

- 5.2 Personal interests relate to issues where you or a close personal associate may have some link to the matter under discussion.
- 5.3 Close personal associates include people such as friends, colleagues with whom you have particularly strong connections, business associates and close relatives. It **does not** include casual acquaintances, distant relatives or people you simply come into contact with through your role as Member or your work in the local community. Close personal associates can also include someone with whom you are in dispute, or whom you may be regarded as having an interest in disadvantaging.
- 5.4 If you declare a personal interest you can remain in the meeting, speak and vote on the matter, unless your personal interest is also a prejudicial interest.

### When a personal interest becomes prejudicial

- 5.5 A personal interest becomes prejudicial where an informed independent observer could conclude that the interest would influence your vote, or your decision.
- 5.6 The mere existence of local knowledge, or connections within the local community, will not normally be sufficient to meet the test. There must be some factor might positively harm your ability to judge the public interest objectively. The nature of the matter is also important, including whether a large number of people are equally affected by it or whether you or a smaller group are particularly affected.
- 5.7 For example you would have a prejudicial interest in a planning application proposal if a close personal associate (e.g. your son) lives next to the proposed site.

## **6 Review of Council's form for Members' declaration of interest at meetings**

- 6.1 The Standards Committee recognises that this is a complex subject and has instructed the Monitoring Officer in conjunction with the Chair of the Standards Committee to revise the Council's current form in order to better assist Members to ensure all relevant information is fully captured and completed correctly.
- 6.2 Annexed at Appendix 1 to the report is a draft revised form which Members are asked to provide any comments or feedback they may have as to its format and content. Also annexed at Appendix 1 is a flowchart contained in each Development Control Committee agenda concerning declaration of personal and prejudicial interests at meetings.

- 6.3 Having received such feedback/comments, the Monitoring Officer and Chair of the Standards Committee will then revise the form with a view to it coming into effect from 1<sup>st</sup> December 2013.
- 6.4 It is proposed to provide Members with refresher training in respect of declaration of interests at meetings together with guidance on using the amended form, with such training scheduled to be provided before the Development Control Committee meetings on 7<sup>th</sup> and 21<sup>st</sup> November 2013.

## **7. Applications for dispensations to the Standards Committee**

- 7.1 Section 81(5) of the Local Government Act 2000 and the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 (the 'Dispensation Regulations') provide for Standards Committees to have the discretion to remove the restrictions imposed by the Code of Conduct, where Members would ordinarily have to withdraw from discussion on matters by virtue of having a prejudicial interest, by granting dispensations to Members to either speak and vote, or speak only at meetings of their authorities.
- 7.2 The Dispensation Regulations prescribe the circumstances in which the Standards Committee may grant such dispensations and these are set out in Appendix 2 to the report. Unless the regulations governing declarations of interest state otherwise, a Standards Committee may give a dispensation to speak only or to speak and vote. Most paragraphs in the Code stipulate where a Member must seek dispensation.
- 7.3 The dispensation regime is necessary to perform three functions: to deal with interests that Members share with a large proportion of the public, to allow the proper conduct of business, and to enable the participation rules to be applied to take account of individual circumstances.
- 7.4 As part of its work programme the Standards Committee investigated how other local authorities in Wales are dealing with the granting of dispensations and Members are asked to note that they have authorised the Monitoring Officer in conjunction with the Chair of the Standards Committee to amend the current form following that review.

## MEMBERS' DECLARATION OF INTEREST AT MEETING

<b>Name of Member:</b>
<b>Name of Meeting:</b>
<b>Date of Meeting:</b>
<b>Agenda Item (Number &amp; Title)</b>

**Members are required to complete Boxes 1, 2, 3 and 4 below**

**1. The Council business to which the personal interest relates is:**

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**2. The nature of the personal interest:**

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**3. Members are required to tick one box and to provide reasons:**

- I believe my personal interest is **not prejudicial\***  
**Because:**

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- I believe my personal interest is **prejudicial\***  
**Because:**

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**\*A prejudicial interest is a personal interest which is so significant that a well-informed member of the public would reasonably believe that the Member would be unable to act on the matter in the public interest**

**4. Members are requested to tick one box:**

- The personal interest is **not prejudicial\*** and I took part in the item
- The personal interest is **prejudicial\*** and I left the meeting when the item was discussed
- The personal interest is **prejudicial\*** but I have a dispensation

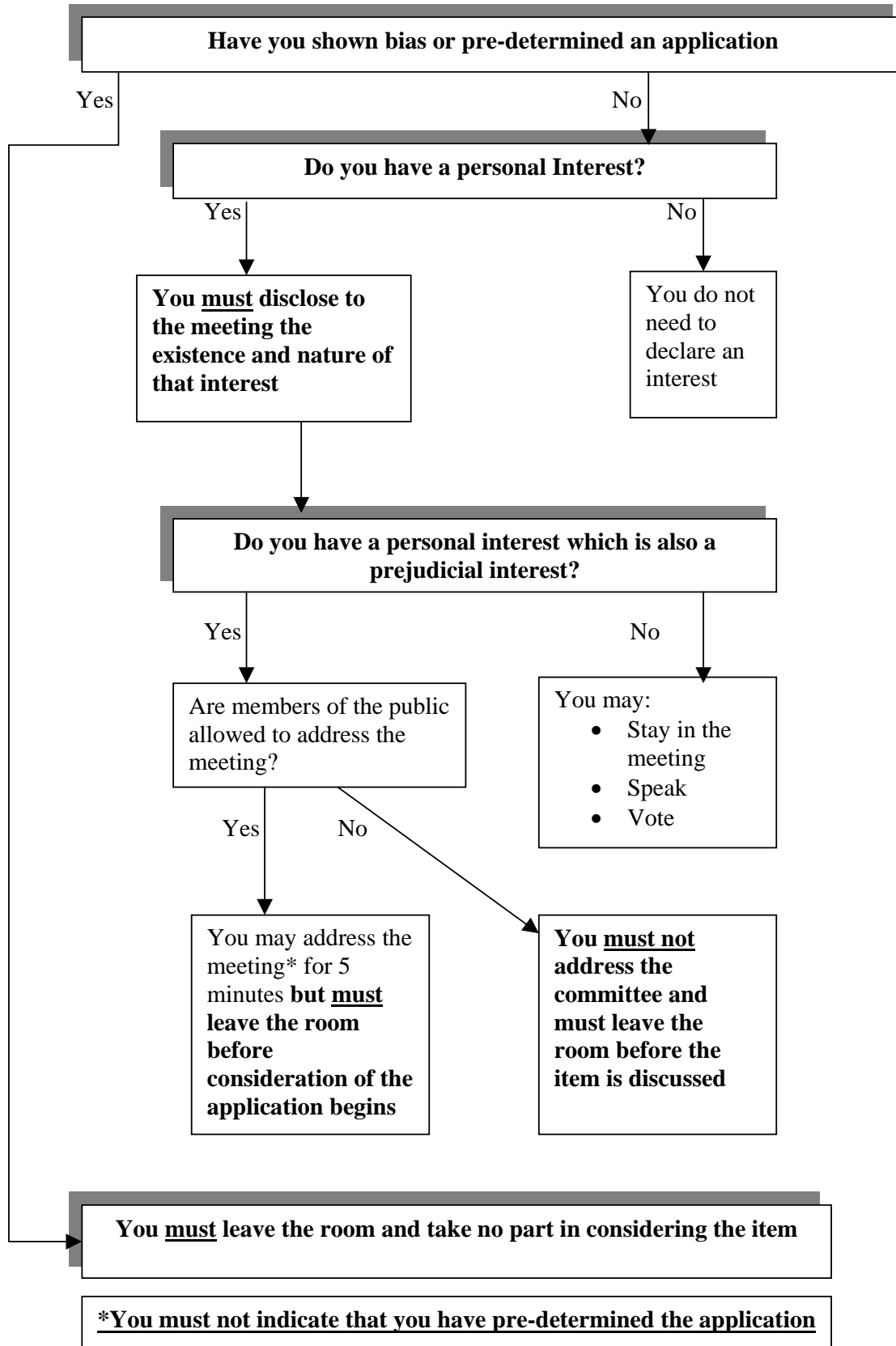
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**Signed:** ..... **Dated:** .....

**THIS COMPLETED FORM SHOULD BE HANDED TO A MEMBER OF THE COMMITTEE SERVICES STAFF DURING THE COURSE OF THE MEETING OR IMMEDIATELY AFTER**

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## Declaration of personal and prejudicial interests at meetings of the Development Control Committees



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## APPENDIX 2

### **CIRCUMSTANCES WHEN THE STANDARDS COMMITTEE MAY GRANT DISPENSATIONS**

The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 specifies that the Council's Standards Committee may grant dispensations under Section 81(4) of the Local Government Act 2000 where:

- (a) no fewer than half of the Members of the Council or of a Committee of the Council (as the case may be) by which the business is to be considered has an interest which relates to that business;
- (b) no fewer than half of the Members of the Executive of the Council (i.e. Leader and Cabinet) by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- (c) Members' inability to participate would upset the political balance of the Council, or any of its committees by which the business is to be considered, to such an extent that the outcome would be likely to be affected;
- (d) the nature of the Member's interest is such that the Member's participation in the business to which the interest relates would not damage public confidence in the conduct of the Council's business;
- (e) the interest is common to the Member and a significant proportion of the general public;
- (f) the participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise;
- (g) the registerable interest relates to business, which is to be considered by an Overview and Scrutiny Committee of the Council, and the Member's interest is not a pecuniary/financial interest;
- (h) the business relates to the finances or property of a voluntary organisation of whose management committee or board the Member is a member otherwise than as a representative of the Council and the Member has no other interest in that business, provided that any dispensation shall not extend to participation in any vote with respect to that business; or
- (i) it appears to the Standards Committee to be in the interests of the inhabitants of the area of the Council that the disability should be removed, provided that written notification of the grant of dispensation is given to the National Assembly for Wales within 7 days. Such a notification should specify the Member to whom the dispensation would apply to the Standards Committee's reasons why the disability should be removed.

**Local Government Act 1972**

**As Amended by**

**The Local Government (Access to Information) Act 1985**

**Council**

**30th October 2013**

**Report of Monitoring Officer**

**BACKGROUND PAPERS**

Local Government Act 2000

Standards Committees (Grant of Dispensations) (Wales) Regulations 2001

Rhondda Cynon Taff County Borough Council – Declaration of interest at meetings form

Isle of Anglesey County Council – Declaration of interest at meetings form

Rhondda Cynon Taff County Borough Council – Application for dispensation to the Standards Committee by Council Members