



Standards Committee

17th January 2007

Report from the Borough Solicitor

For Action

Wards Affected:
ALL

Members' Interests

1.0 SUMMARY

- 1.1 This report provides members of the committee with information on the Register of Members' Interests.

2.0 RECOMMENDATIONS

- 2.1 That members note this report;
- 2.2 That members note that in future this report will be part of the Monitoring Officer's Annual Report to the Standards Committee.
- 2.3 Request that the Monitoring Officer write to all members to remind them of their duty to update the Register.

3.0 DETAIL

Entries in the Register

- 3.1 Section 81(1) of the Local Government Act requires that the Monitoring Officer of each relevant authority must establish and maintain a register of interests of the elected members and co-opted members of the authority. Information set out in the register relates to those categories set out in Part 3 of the Brent Member's Code of Conduct.

- 3.2 The Local Authorities (Model Code of Conduct) (England) Order 2001 requires that within 28 days of being elected or appointed to office, a member must register his or her financial interests in the council's register maintained under section 81(1) of the Local Government Act 2000.
- 3.2 Members must disclose their financial interests by providing written notification to the Monitoring office of:-
- (a) any employment or business carried on by him or her;
 - (b) the name of the person who employs or has appointed him or her, the name of any firm in which he or she is a partner, and the name of any company for which he or she is a remunerated director;
 - (c) the name of any person, other than a relevant authority, who has made a payment to him or her in respect of his or her election, or any expenses incurred by him or her in carrying out his or her duties;
 - (d) the name of any corporate body which has a place of business or land in the authority's area and in which the member has a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
 - (e) a description of any contract for goods, services, or works made between the authority and himself or herself or a firm in which he or she is a partner, a company or which he or she is a remunerated director, or a body of a description specified in sub-paragraph (d) above;
 - (f) the address or other description (sufficient to identify the location) of any land in which he or she has a beneficial interest and which is in the area of the authority;
 - (g) the address or other description (sufficient to identify the location) of any land where the landlord is the authority and the tenant is a firm in which he or she is a remunerated director, or a body of the description specified in sub-paragraph (d) above;
 - (h) the address or other description (sufficient to identify the location) of any land in the authority's area in which he or she has a licence (alone or jointly with others) to occupy for 28 days or longer.
- 3.3 Members must also register their membership or position of general control or management in any:-
- (a) body to which he or she has been appointed or nominated by the authority as its representative;
 - (b) public authority or body exercising functions of a public nature;
 - (c) company, industrial and provident society, charity, or body directed to charitable purposes;
 - (d) body, whose principal purposes include the influence of public opinion or policy; and
 - (e) trade union or professional organisation.
- 3.4 The Register is held by the Democratic Services Manager on behalf of the Monitoring Officer and is also available on-line on the Council's web page.

- 3.5 At the time of this review, one member elected at the 2006 elections had not completed a declaration for the Register. This member was contacted and a declaration has now been completed.
- 3.6 The Standards Board for England has advised that members should declare whether they are a member of a political party under paragraph 15(d) of the Local Authorities (Model Code of Conduct) (England) Order 2001. This is so the public, authority members, and the public know which member's interest might give rise to a conflict of interest. The register is a document that can be consulted when (or before) an issue arises, and lets others think about whether or not a member may have a conflict of interest. Of the 63 elected members at Brent, 15 have not declared an interest in a political party. Those members have been contacted by the Monitoring Officer.
- 3.7 Members are required, in accordance with paragraph 15(e) of the Model Code to register membership of any trade union or professional organisation. 27 members declared an interest in a trade union or professional organisation.
- 3.8 Members are required to register interests in land or property in the borough, both freehold ownership and leases or sub-leases of land or property in the borough and any tenancies they hold, including council, private, or housing association and all other tenancies or licences. 52 members have declared an interest in land or property, or a tenancy or licence. There remain 11 members who have not declared an interest in either. Those members have been contacted by the Monitoring Officer to ensure that they have registered all freeholds, leases, tenancies, whether business or residential.
- 3.9 Members have also declared interests in a wide variety of community organisations including schools, freemasons, tenants, housing, refugees, charitable.
- 3.10 Members who are school governors need to register their positions whether appointed by the council or not. As at September 2006, of the list of 25 councillors who are also listed as school governors: (a) 12 have declared that interest; (b) one person named on the list is not a member, (c) one has declared an interest as a school governor and they are not on the list; (d) several councillors have declared an interest in only one school when they have interests in 2 or more schools. The Monitoring officer is in the process of trying to resolve these matters.
- 3.11 The Democratic Services Manager has noticed a number of non-compliances by members. For example, one member is known to be a member of the board of Brent Housing Partnership but has not registered this interest. Another has declared a number of interests at a Council meeting and some of these are not registered. Given the number of non-compliances, it is recommended that the Monitoring Officer write to all members reminding them of their duty to declare and update the Register from time to time.

3.12 Members are required to keep the information up to date. Since the 2006 election 15 members have registered changes to their details, some more than once. The most recent amendments were received on 1 January 2007 and 4 January 2007.

4.0 FINANCIAL IMPLICATIONS

4.1 There are no direct financial implications arising from this report.

5.0 LEGAL IMPLICATIONS

5.1 The legal implications are contained in the body of the report.

6.0 DIVERSITY IMPLICATIONS

6.1 Officers believe that there are no specific diversity implications arising from this report.

7.0 STAFFING/ACCOMMODATION IMPLICATIONS

7.1 There are no direct staffing implications arising from this report.

BACKGROUND INFORMATION

- Register of Members' Financial and Other Interests Register
- Local Government Act 2000
- Local Authorities (Model Code of Conduct) (England) (Order 2001)
- Brent Code of Conduct

If any person has any queries on this report they should contact the report author, Pauline Zumbach, Borough Solicitor's Office, on telephone number 0208 937 1368

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