

<b>Report To:</b>	STANDARDS AND PERSONNEL APPEALS COMMITTEE	<b>Date:</b>	12 DECEMBER 2016
<b>Heading:</b>	MEMBERS CODE OF CONDUCT – DECLARATIONS OF INTEREST		
<b>Portfolio Holder:</b>	N/A		
<b>Ward/s:</b>	N/A		
<b>Key Decision:</b>	NO		
<b>Subject To Call-In:</b>	NO		

### Purpose Of Report

To invite the Committee to consider whether the Council should amend the Council's Code of Conduct, and making it necessary for Councillors to declare membership of secret societies, private clubs or societies, charities or trade unions.

### Recommendation(s)

**The Committee is requested to consider the information within the report and reach a decision as to whether the Code of Conduct would benefit from amendment to make it necessary for Councillors to declare membership of secret societies, private clubs or societies, charities or trade unions. If so, to recommend an amended Code of Conduct to Council for approval.**

### Reasons For Recommendation(s)

The Council requires openness and transparency of all its elected members. The Register of Members' Interests requires Members to complete when elected and to update throughout their term, any interest which is a Disclosable Pecuniary Interest and which may affect their decision making

### Alternative Options Considered (With Reasons Why Not Adopted)

In order to ensure that Members are recording all necessary interests it is appropriate to periodically review the Code of Conduct, the Members' Register of Interests and all legal requirements as to declarations of interests. This has not been reviewed for two years and it was considered appropriate for this to be considered at this time following a request to add this to the Committee's work programme.

## Detailed Information

The Localism Act 2011 abolished the Standards Board and Regime and brought in new standards arrangements.

The new legislation means that it is largely for councils to determine what arrangements and Code of Conduct to put in place.

The current Code of Conduct requires members to declare an interest which is either a Disclosable Pecuniary Interests (DPIs), a Non Disclosable Pecuniary or Other interest.

### Disclosable Pecuniary Interests (DPIs)

DPIs are defined by law and is an interest in relation to a member if it is of a description specified in The Relevant Authorities (Disclosable Pecuniary Interest) Regulation and either ;-

- (a) It is an interest of the member's; or
- (b) It is an interest of (i) the Members spouse or civil partner, (ii) a person whom a Member is living with as husband and wife, or (iii) a person whom a Member is living with as if they were civil partners, and the Member is aware that the other person has the interest.

A failure to register a DPI is an offence under the Localism Act 2011, and a breach of the Code of Conduct.

The DPI should be included on the Members' Register of Interests and declared in any meeting where a matter arises which related to a DPI. The Member must not participate on the discussion or vote on the matters and must withdraw from the meeting room unless a dispensation has been sought and granted.

### Non Disclosable Pecuniary/Other Interests

A "Non Disclosable Pecuniary Interest" or "Other Interest" should be declared in an item of business of the Authority where:

- (a) a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you, or a member of your family, or a person with whom you have a close association to a greater extent than it would affect the majority of the inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area; or
- (b) it relates to or is likely to affect any of the interests listed in Appendix A to this Code, but in respect of a member of your family (other than your spouse, civil partner or person with whom you are living as spouse or civil partner) or person with whom you have a close association

and that interest is not a Disclosable Pecuniary Interest.

### Issues for the Committee to consider

In considering whether the Members' Code of Conduct should be amended the Committee may be mindful that current required declarations are standard and used widely across all local authorities. It is for the individual member to decide if an interest is a DPI, a Non Disclosable Pecuniary Interest or any Other Interest and for that member to then declare where necessary

The membership of “secret societies”, private clubs or societies, charities or trade unions is not currently an interest which has to be declared in this manner at Ashfield District Council. However any personal interest which may influence or have bearing on a Member’s decision must be disclosed at a meeting as discussed above.

Whether it is necessary to have a specific requirement for Members to declare membership of a “secret society”, private club or society, charity or trade union is open to each individual authority to determine.

There is no common practice and the approach varies substantially across authorities, and there are various definitions adopted by local authorities as to what would constitute a “secret society” and require declaration.

By way of example:

**Rotherham Metropolitan Borough Council** asks members to declare a personal interest of any body *“which is a private club or society, such as the Freemasons, a recreational club, working men’s club or private investment club of which you are a member of in a position of general control or management”*

A copy of the Members Register of Interest for Rotherham Metropolitan Borough Councils which sets out how this requirement has been incorporated into the Register is attached as **Appendix 1** along with a copy of their Member Code of Conduct.

**Manchester City Council** asks members to declare a personal interest in Charities, Societies and any bodies and specifically requests that *“Freemasons should include membership of the Masonic Grand Charity”* and bodies whose principal purposes *“include the influence of public policy, including party associations, trade union or professional association.”*

A copy of the Members’ Register of Interest for Manchester City Council which sets out how this requirement has been incorporated into the Register is attached as **Appendix 2**.

A neighbouring authority **Derbyshire County Council** has specifically requested that Members declare *“any trade union of which you are a member and membership of pressure groups, the Freemasons or other influential bodies of which you are a member.”*

A Copy of Derbyshire County Council’s Member Code of Conduct which demonstrates how this is incorporated into their Code is attached as **Appendix 3**.

### Freemasons

With regards to Freemasons specifically there has been a European Court of Human Rights case in 2007 which found that Freemasonry did not meet the definition of a secret society. – *[Grande Orienta D’Italia do Palazzzo Glustiniani v Italy (no 2) (application no 26740/02)]*.

This case concerned the Italian Grand Lodge which is the Italian equivalent of the Free masons and in that case there was a challenge to the policy that candidates were required to declare whether they were members of a Masonic or secret association. The absence of a declaration constituted a ground for refusal of appointment.

Any proposed amendment to the code would need to show that Freemasons were not being disadvantaged and that Freemasons would not be treated differently from the members of any other body that revised wording would seek to include.

One common theme amongst authorities is that membership of certain groups should be declared as a personal interest, if this was a charitable body for charitable purposes. E.g Freemasons who are members of the Grand Charity should declare an interest as appropriate, before or during council meetings. In addition if an individual lodge is one with charitable status or could be described as a body directed towards charitable purposes, then membership of that lodge would also need to be declared.

Under the Code of Conduct Members are also required to declare membership of groups whose political purpose includes the influence of public or opinion or policy, which could included freemasons, trade unions, or pressure groups.

Committee will need to consider the current Code of Conduct, the DPIs which are legally required to be disclosed on the Members’ Register of Interests, Other Interests which are disclosed at meetings and determine if membership of a “secret society”, private club or society, charity or trade union should continue to be would be disclosed in accordance with the existing mechanisms, or whether something more specific, such as prior registration on a revised Members’ Register of Interests form should be required to ensure that the Members are open and transparent in conducting themselves.

**Corporate Plan:**

Consideration of this topic contributes towards our commitment to:

- Place and Communities
- Organisational Improvement

The Council will strive to ensure effective community leadership, through good governance, transparency, accountability and appropriate behaviours.

**Legal:**

Under the Localism Act 2011, the Council is required to promote and maintain high standards of conduct by Members and Co-opted Members of the Authority. Failure to have and maintain high ethical standards can have significant reputational consequences.

**Finance:**

There are no financial implications arising from this report

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None

Housing Revenue Account – Capital Programme	None
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**Human Resources / Equality and Diversity:**

It is a reasonable request for members to disclose membership of a secret society through an appropriate mechanism to ensure that the Members are open and transparent in conducting themselves.

**Other Implications:**

None

**Reason(s) for Urgency (if applicable):**

N/A

**Background Papers**

N/A

**Report Author and Contact Officer**

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