

Committee(s)	Dated:
Standards Committee	15 th May 2015
Subject: Members' Declarations - Co-opted Members	Public
Joint Report of: The Town Clerk and The Comptroller & City Solicitor	For Decision

Summary

Under the Localism Act 2011, only Co-opted Members who vote on matters relating to the City Corporation's local authority or police authority functions are required to comply with the requirements of the Code of Conduct and disclose statutory pecuniary interests. The City Corporation currently has over 190 Co-opted Members on City Corporation Committees, of which the large majority are non-voting Co-opted Members.

At the Committee's last meeting in February, where Members considered the declaration arrangements in respect of the City Corporation's elected Members, a query was raised as to why only elected Members' declarations were published on-line and why there was a different arrangement in respect of the management of the Co-opted Members declarations.

It was noted that whilst the statutory provisions in relation to on-line registration only applied to those Co-opted Members who were entitled to vote on matters relating to the City Corporation's local authority or police authority functions, this did not preclude the Register of Interests of all Co-opted Members being made available on-line as a matter of policy. It was subsequently agreed, for the sake of consistency and greater transparency, that a Register of Interest should be completed by all Co-opted Members and thereafter published on-line.

At the Committee's request this reports sets out a proposal in respect of the adoption and implementation of a consistent approach to the management and publication of declarations of interest by both the City Corporation's elected and Co-opted Members. This report also confirms that the Court of Common Council's consent to amend the current arrangements in respect of the management of Co-opted Members' declarations is not required. However, it is recommended that the Policy and Resources Committee and the Court of Common Council be informed of the future proposed changes in advance of implementation.

Recommendations

Members are asked to:-

- (i) note the report; and
- (ii) endorse the proposal in respect of the adoption and implementation of a consistent approach to the management and publication of declarations of

interest by both the City Corporation's elected and each of its Co-opted Members that serve on City Corporation Committees.

Main Report

Background

1. At the meeting of the Standards Committee on 20th February 2015, an update report about the Annual Update to Members' Declarations was considered and a query was raised as to why only the Declarations of elected Members were published on-line and why there was a different arrangement in respect of the management of the Co-opted Members declarations.
2. It was noted that whilst the statutory provisions in relation to on-line registration only applied to those Co-opted Members who were entitled to vote on matters relating to the City Corporation's local authority or police authority functions, this did not preclude the Register of Interests of all Co-opted Members being made available on-line as a matter of policy. It was subsequently agreed, for the sake of consistency and greater transparency, that a Register of Interest should be completed by all Co-opted Members and thereafter published on-line.

Current Position

3. Historically, the City Corporation's Co-opted Members have been categorised as voting or non-voting Co-optees serving on the City Corporation's Committees and only those Co-opted Members with voting rights have been requested to submit a register of interest form setting out their pecuniary interests.
4. During the 2014 annual update exercise, all Co-opted Members were contacted in writing and invited to submit a new or updated declaration. The voting Co-opted Members were reminded that submission was a statutory requirement but the non-voting Co-opted Members were advised that, whilst there was no statutory requirement, they were encouraged to submit a declaration in order to maximise transparency. Since that exercise commenced, fifty-one declarations have been received from the City Corporation's Co-opted Members, both voting and non-voting. To date, where completed registers of interest have been received, these have been retained on hard-copy file by the Town Clerk's Department. A follow-up exercise in respect of the updating of Members' Declarations by voting Co-opted Members has not, to date, taken place.

Proposal – Moving Forward

5. The Standards Committee would like to implement a consistent approach to the management and publication of declarations of interest by both the City Corporation's elected and Co-opted Members. Consequently this would streamline the current arrangements whereby all elected and Co-opted Members, with or without voting rights, would be required, upon taking office,

to submit a Members' Declaration form which would include their statutory pecuniary interest and any non-pecuniary interests that have been introduced as a requirement by the City Corporation.

6. In order to implement this new arrangement, the following list of actions and timescales is proposed, taking into account the Committee's earlier acknowledgement that the City Corporation's Co-opted Members should be given plenty of notice about any future changes and a realistic timetable for implementation adopted.

Action	Timescale	Comment
The Town Clerk to review the list of Co-opted Members in light of the April meeting of the Court of Common Council.	By no later than mid-June 2015	
Report (for information) to be submitted to the Policy & Resources Committee and the Court of Common Council setting out the new arrangements.	July 2015	
The Town Clerk to write to all Co-opted Members, voting and non-voting, setting out the background to the new arrangements, providing guidance about the new requirements for all Co-opted Members; and specifying a deadline for the return of all declarations.	By the summer recess (late July 2015)	<i>Separate letters to be sent to voting Co-opted Members so that existing declarations can be circulated and refreshed where necessary.</i>
Creation of on-line webpage for all Co-opted Members and individual registers of interest by the Town Clerk's Department.	By mid-September 2015)	<i>These will remain hidden until the declarations go live.</i>
Deadline for receipt of all declarations.	Mid-September 2015	
Updating of on-line registers by the Town Clerk's Department.	On-going as of submission deadline (as above)	
Standards Committee to review progress.	2 nd October 2015	
Publication of Co-opted Members' on-line registers on the City Corporation's webpages, subject to	As of 3 rd October 2015.	

review by the Standards Committee (as above).		
Further actions to be progressed until the end of the year, subject to review by the Committee in October (as above).	TBC	<i>This might include chase up correspondence being circulated by the Town Clerk.</i>

7. Based on the above proposal, the City Corporation's webpages would be amended before the end of the year to include a section detailing the City Corporation's Co-opted Members by name and including a link to their individual register of interest. It is not proposed that any further details be provided other than their committee appointment/s, as if the case with the elected Members' webpages where contact details, biographies and photographs are published.
8. Each Co-opted Member would, by the end of the year, have a register of interests that is accessible by the public, in the same way as elected Members have. The register would include all statutory pecuniary interests and non-pecuniary interests in line with the requirements for elected Members. The Standards Committee can be kept abreast of progress with implementation at its next scheduled meeting in October 2015 to ensure that there is on-going oversight of implementation of the new arrangements.

Implications

9. This proposal represents a significant change for some of the City Corporation's Co-opted Members, specifically the non-voting Co-opted Members who have previously been advised that the registration regime is not mandatory. Clear guidance will therefore need to be drafted by the Comptroller & City Solicitor and circulated to those Co-opted Members with timescales that enable Co-opted Members to raise queries and seek clarification about the new requirements. Given the significance of the proposed changes, consideration should also be given to whether a number of training sessions should be offered to Co-opted Members (potentially around formal meetings) after the recess but ahead of the deadline for submissions.
10. With regard to the voting Co-opted Members guidance will also need to be provided to clarify the new arrangements, specifically in respect of the introduction on-line publication.
11. With regard to the issue of non-compliance, for the majority of Co-opted Members (i.e. those that are not voting Co-opted Members), non-compliance will not constitute a criminal offence. However, non-compliance could be

deemed to be a breach of the Code of Conduct and a complaint could therefore be investigated by the Standards Committee.

Corporate & Strategic Implications

12. The adoption and implementation of a consistent approach to the management and publication of declarations of interest by both the City Corporation's elected and Co-opted Members enhances transparency about the City of London Corporation's governance framework and those involved in decision-making processes.
13. A significant amount of work will be required to implement the proposed arrangements. This work will, with oversight by the Comptroller and City Solicitor, be largely undertaken by the Town Clerk's Department and as such will have to be prioritised around other commitments. Consequently, a phased approach to implementation is proposed which will ensure that there is not only clarity for Co-opted Members about the new requirements, but the timescales for implementation are realistic and the system and procedures for managing and publishing the declarations are given appropriate consideration ahead of going live.

Conclusion

14. The adoption and implementation of a consistent approach to the management and publication of declarations of interest by both the City Corporation's elected and each of its Co-opted Members that serve on City Corporation Committees will ensure that there is a reasonable and consistent approach to the management of declarations of interest. The proposed approach, whereby all Co-opted Members are invited to submit a declaration of interest when they take office and then review this annually during the annual update exercise every April, will mean that all individuals who serve on City Corporation Committees are bound by the same requirements. This will enhance transparency of the City Corporation's decision making arrangements and ensure consistency in how declarations are managed. Publication of the declarations of interest on-line will further enhance transparency about the organisation's decision-making arrangements and highlight the important contribution that Co-opted Members make to the work of the City Corporation.
15. Members are invited to note the current position in respect of the arrangements for managing declarations of interest by Co-opted Members and endorse the proposal in respect of the introduction of new requirements.

Appendices

Appendix 1 – List of Co-opted Members

Background Papers

The Members' Code of Conduct (*as agreed on 16th October 2014*)

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