

Committee(s)	Dated:
Standards Committee	13 May 2016
Subject: Update re Co-opted Members and the register of interests	Public
Report of: Town Clerk and Comptroller & City Solicitor	For Decision

Summary

This report provides an update on the registration of interests by Co-opted Members. It also provides further details about the complement of Co-opted Members on City Corporation Committees and Sub-Committees, as requested by your Committee, to help inform any decision about further steps that may be required to ensure compliance.

Recommendations

Members are asked to note the report and to consider any further steps that may be required in relation to Co-opted Members and the register of interests.

Main Report

Background

1. The City Corporation's Code of Conduct for Members, adopted by the Court of Common Council on 16 October 2014, applies to any Member of the City Corporation and any Member of a Committee of the City Corporation (in this report referred to generally as "Co-opted Members"). The Code requires the registration of disclosable pecuniary interests, as specified in regulations made by the Secretary of State, together with certain non-pecuniary interests.
2. On 20 February 2015 your Committee received an annual report concerning Members' interests and a query was raised as to why there were different arrangements for the registration of interests by Co-opted Members. Historically, only those Co-opted Members with voting rights had been asked to submit a register of interests form, and only the interests of Members had been published online.
3. A report was requested to enable your Committee to fully understand the registration requirements for Co-opted Members and to consider the implementation of a more consistent approach to registration by Members and Co-opted Members.

4. On 15 May 2015 your Committee received that report and agreed that all Co-opted Members (voting and non-voting) should be required to submit a register of interests form, which would be published online, in order to promote greater consistency and transparency. The need to make Co-opted Members fully aware of the new approach to managing and publishing interests, and to afford them ample time to raise any queries, was acknowledged.
5. The Town Clerk submitted reports for information to both the Policy and Resources Committee and the Court of Common Council in advance of implementation. In consultation with the Comptroller & City Solicitor, the Town Clerk wrote to all 168 identified Co-opted Members about the new arrangements, providing guidance and specifying a response date of 25 September 2015. The Comptroller & City Solicitor also offered briefing sessions to provide Co-opted Members with an opportunity to discuss the new requirements in greater depth and to raise any specific queries. However there was a disappointing take up of these sessions which led to just three Co-opted Members attending.
6. On 2 October 2015 your Committee received a report on the number of forms returned. The Town Clerk advised that over 50% of Co-opted Members had not submitted a response. She went on to highlight that many of those contacted had also expressed concern at plans to publish their interests, with some suggesting that they might resign over the matter.
7. Your Committee therefore requested a paper detailing how each of the various Sub/Consultative/Grand Committees concerned were constituted to assist Members in deciding how best to proceed in each case.

Details of Co-opted Members by Committee

8. A table is attached at Appendix 1 giving a breakdown of all Co-opted Members by Grand Committee, Consultative Committee and Sub-Committee. Column 1 in the table sets out the name of the relevant Committee or Sub-Committee and column 2 gives details about the complement of Co-opted Members.
9. Column 3 in the table indicates in each case whether the inclusion of Co-opted Members is a legal requirement. In some cases these are discretionary appointments e.g. under section 102 of the Local Government Act 1972 – a Committee or Sub-Committee of the City Corporation appointed under that section, other than a Committee for regulating or controlling finances, may include persons who are not Members of the City Corporation. In other cases a specific provision in a statute or governing document may require the inclusion of Co-opted Members. These specific provisions have not generally been set out in the table but can be provided if required.
10. Column 4 in the table indicates in each case whether the Co-opted Members are involved in decisions relating to the City Corporation's local authority, police authority or port health authority functions (referred to as "City Fund

Functions” in the table). Where Co-opted Members are involved in such functions, and have voting rights, they are automatically caught by the provisions of the Localism Act 2011 regarding the registration of interests, in the same way as Members – there is no discretion about this.

11. Column 5 in the table indicates in each case whether the Co-opted Members have voting rights. Co-opted Members appointed by the City Corporation under section 102 of the Local Government Act 1972, in its capacity as a local authority, police authority or port health authority, must be non-voting, by virtue of section 13 of the Local Government and Housing Act 1989, unless they come within a specific statutory exemption. In other cases, where there is no specific provision in a statute or governing document, the City Corporation has a discretion whether to confer voting rights or not. Again, the specific provisions have not generally been set out in the table but can be provided if required.

Update on the registration of interests

12. Column 6 in the table indicates in each case how many Co-opted Members have submitted a return – so for example for a Committee with five Co-opted Members, where every form has been received, this is represented as 5 / 5. In some cases there are vacancies for Co-opted Members and therefore the numbers given will not necessarily tally with the full complement. We have not included the names of those Co-opted Members who have not provided returns in this report but these can be provided on request. For the purposes of this report we have counted a partial return as a return – further details on partial returns can be provided if required. The total number of forms received is currently 94 out of 182.

Conclusion

13. Whilst slightly over 50% of Co-opted Members have now submitted a register of interests form, this is not a significant improvement on the position in October 2015, particularly as some of the returns are incomplete. The compliance rate from Co-opted Members of Grand Committees is generally much better, with the overall return rate pulled down by the poor response from some of the Consultative Committees.

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