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| Committee: | Date: | Item No. |
| Barbican Residents' Committee | 13 December 2010 | |
| Subject: Declarations at Meetings | | Public |
| Report of: The Town Clerk | | For Decision |
| <p style="text-align: center;"><u>Summary</u></p> <p>The proposals in the report below were agreed by the RCC meeting in September. This decision now needs to be ratified by the BRC.</p> <p>Recommendations</p> <p>The decision by the RCC to adopt a formal declarations item be endorsed.</p> | | |

Main Report

Background & Current Position

1. To include a standing 'Declarations' item on the Residents' Consultation Committee agenda would be a move not only consistent with all other Committee agendas produced under the secretariat of the Town Clerk, but one which would promote transparency in the process by which your Committee influences decisions taken by the Barbican Residential Committee.
2. It is, however, acknowledged that the mechanism by which such declarations are governed should be appropriate to the role of the Residents' Consultation Committee (RCC). To ensure that this was incorporated into the draft revised guidance, a meeting was held with your Chairman, Jane Smith and Robert Barker, and it is hoped that the revised guidance for approval this day now appropriately reflects the unique circumstances in which the RCC operates.

Proposals

3. In liaising with the above Members, Officers presented a revised model for the operation of a 'Declarations' item which assumed the following, that:-
 - all Members of the RCC will automatically have a personal interest in respect of agenda items and, therefore, the revised guidance has been tailored to make reference to the need to declare only prejudicial interests;
 - all Members of the RCC will voluntarily abide by the guidance which will not be legally binding;

- all Members of the RCC will be invited to declare an interest under a 'Declarations' item which will be set out on the agenda each meeting as follows "DECLARATIONS BY MEMBERS OF THE CONSULTATION COMMITTEE OF ANY PREJUDICIAL INTERESTS (VOLUNTARY CODE)";
 - declarations should be made under the standard 'Declarations' item or as soon as a prejudicial interest in an item becomes apparent;
 - there will be no obligation for a Member to leave the room or refrain from the debate in an item if a declaration has been made.
4. The following guidance has also been produced in consultation with the aforementioned Members and is before your Committee for approval this day, viz:-

GUIDANCE NOTE FOR MEMBERS OF THE BARBICAN RESIDENTIAL CONSULTATION COMMITTEE

– PREJUDICIAL INTERESTS

A Member of the Consultation Committee does not need to consider declaring a prejudicial interest in an item, where the proposals would impact on the long lessees, tenants and owners of flats or houses in their block to a greater extent than those of other blocks located on the Barbican Estate.

However, a prejudicial interest should be declared when a Member wishes to participate in the debate on an item which will impact on themselves or on an organisation to which they are affiliated, to a greater extent than other residents from their House Group and which a Barbican Resident, with knowledge of all the facts, would reasonably think that the Member's judgement of their House Group's interest was prejudiced.*

** If a Member is a boardmember, officeholder, trustee or has responsibilities for or to some other group or organisation (other than a Barbican RTA, including the Barbican Association General Council and its sub-committees and/or House Groups) which may reasonably be thought to have an interest in the issue(s) being discussed, or is a beneficial shareholder (beyond a holding in a collective investment scheme) in*

a company which is likely to benefit from a decision that is being discussed, or is an employee of a company, group or organisation which is likely to benefit from a decision that is being discussed, then a declaration should be made.

Consultees

5. The Director of Community & Children's Services and the Comptroller and City Solicitor has been consulted in the preparation of this report.

Conclusion

6. To ensure that transparency and probity is maintained in the way in which your Committee undertakes its business, a bespoke code governing the process by which declarations of interests can be made has been created. This is before Members today, for their approval and adoption.

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