

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

STANDARDS COMMITTEE

22 JULY 2013

1. REGISTER OF MEMBERS' INTERESTS

Report of the Clerk to the Authority and Monitoring Officer.

RECOMMENDED

That Members note the contents of this report and make any relevant recommendations to the Monitoring Officer after consideration of the Register of Members' Interests and declaration of interests made by members.

2. PURPOSE OF REPORT

- 2.1 The purpose of the report is to outline the statutory provisions relating to the Register of Members Interests and to consider the practice adopted within the Authority.

3. BACKGROUND

- 3.1 The Register of Members' Interests is maintained by the Monitoring Officer and is available within Governance Services for inspection by members of the public at all reasonable hours.

Details to be included in the Members Register of Interests includes the following categories:-

- Membership or position of control or management in:-
 - any bodies to which Members are appointed or nominated by the authority;
 - membership of any bodies exercising functions of a public nature, or directed to charitable purposes, or whose principal purpose includes the influence of public opinion or policy, including any political party or trade union;
- details of a Member's job or business;
- name of a Member's employer.

- name of any person who has made a payment to a Member in respect of election or expenses incurred in carrying out a Member's duty.
- name of any person, company or other body which has a place of business or land in the authority's area and in which a Member has a shareholding of more than £25,000.00 or has a stake of more than 1/100th of the share capital of the company;
- any contracts between the authority and the Member, the Member's firm including any lease, licence from the authority and any contracts for goods, services or works;
- gifts and hospitality over the value of £100.00;
- any land and property in the authority's area in which the Member has a beneficial interest.

3.2 The Register is held in paper format and to comply with statutory requirements, the Members' Register of Interests will be made available for the public to view on the Authority's Committee Management Information System [CMIS].

3.3 The Register is periodically reviewed by the Monitoring Officer and regular reminders are sent to Members to update their entries.

4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required and has not been carried out.

5. **LEGAL IMPLICATIONS**

5.1 The Localism Act 2011 strengthens requirements on members to register and disclose interests.

5.2 Section 29 requires monitoring officers of relevant authorities to establish and maintain a register of members' and co-opted members' interests, to make the register available for inspection and to publish it on their authority's website.

- 5.3 Section 30 requires members of relevant authorities to notify the monitoring officer of any disclosable pecuniary interests of them or a spouse or civil partner they live with, within 28 days of taking up office.
- 5.4 Section 31 requires a member of a relevant authority to disclose a disclosable pecuniary interest that they are aware of, at a meeting or if acting alone, where any matter to be considered relates to their interest. If the interest is not already registered, it requires members to register it within 28 days. The monitoring officer must then enter the interest in the authority's register. It prohibits a member from participating in discussion or voting on any matter relating to their interest or, if acting alone, from taking any steps in relation to the matter (subject to any dispensations).
- 5.5 Section 34 of the Localism Act makes it a criminal offence if a member or co-opted member fails, without reasonable excuse, to comply with requirements under section 30 or 31 to register or declare disclosable pecuniary interests. It is also a criminal offence to take part in council business at meetings, or act alone on behalf of the Council, when prevented from doing so by a conflict caused by disclosable pecuniary interests. It empowers the magistrates' court, upon conviction, to impose a fine of up to level 5 (currently £5,000), and an order disqualifying the person from being a member of a relevant authority for up to five years.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no resource implications arising from this report.

**N SHARMA
CLERK TO THE AUTHORITY
AND MONITORING OFFICER**

Background Papers
Localism Act 2011

