



# Northumberland

## County Council

COUNCIL

DATE 6 JANUARY 2021

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### **REGISTRATION OF INTERESTS – REFERRAL FROM COUNCIL 4 November 2020**

**Report of the Service Director, Corporate Assurance**

**Report of Cabinet Member: Councillor Barry Flux, Business Chair**

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#### **Purpose of report**

This report reports back to full Council on the issue of the declaration of member interests which had been referred to Constitution Working Group following a question raised at full County Council by Councillor S Dickinson.

#### **Recommendations**

1. That members are reminded of the need to register interests in “bodies with charitable purposes” with an explanation of the type of bodies these might cover.
2. That the Standards Committee undertake targeted training on the relevant provisions of the Code which deal with the declaration of member interests.
3. To note the progress towards the implementation of a national model code of conduct.

#### **Key issues**

At the meeting of the County Council on the 4 November 2020 Councillor Dickinson raised a question on the registration and declaration of members interests, whether membership is in the public domain or not, in order to ensure transparency within the Council and for the public. It was agreed to refer the issue to the Constitution Working Group for further consideration.

In the meantime the County Council’s Standards Committee has been reviewing the terms of a new national model Code of Conduct drafted by the LGA and this report also outlines the background to, and progress towards the adoption of, a new code of conduct for elected members.

#### **Background**

1. At the meeting of the County Council on the 4 November 2020 Councillor Dickinson asked the Leader of the Council the following question;

*“Concerns have recently been raised that breaches of the Member Code of Conduct have occurred when members have taken part in matters in which they could be*

*perceived to have a conflict of interest. Does the Leader agree with me that it is good governance for all members to declare their membership of organisations they belong to, whether their membership is in the public domain or not, in order to ensure transparency within the Council and for the public?"*

2. In response the Leader referred the matter to the Constitution Working Group for further consideration and to take matters forward.

3. **Registration of Interests – Membership of Freemasons and other bodies**

Matters relating to the Council's Member Code of Conduct are normally a matter for the Council's Standards Committee and at their meeting on the 20 October 2015 members considered the detailed report on the position. This asked the Standards Committee to consider whether membership of Freemasons, and other bodies referred to in the report, is an interest which must be registered under the Code and whether any amendment to the Code and/or the registration of interest form was required.

4. The report explains that under the present code of conduct members must register any "membership of a body which has charitable purposes". Unfortunately, although it is commonly used, this definition is not entirely clear and so from time to time queries have been received as to whether it might apply to bodies which are not registered charities and a common query raised as to whether membership of the Freemason would fall to be registered under the Code of Conduct. This then raises the question as to whether the Freemasons constitutes a body which has "charitable purposes".

5. Standards for England had previously advised that the definition was clearly intended to cover more than the legal definition of a charity, and so membership of Rotary or the Lions Clubs were covered and that many Masonic organisations will fall within the scope of the provisions. However, it is clear from the report there is some doubt about the position as not all Masonic organisations are registered charities and the United Grand Lodge of England have advised that in their view Masonic Lodges can be distinguished from other organisations such as Rotary as, although they have charitable activities, charity is not their purpose.

6. Accordingly the report asks members to consider the following options:

- a. Should Annex 3 of the Code be widened to encompass "*Any body of which you are a member (or in a position of general control or management)*"? It was noted that whilst this would overcome the problem with the definition of "charitable purposes" it would also greatly expand the range of interest which members would be required to register and would go far beyond the scope of the previous code and so on balance might be considered to be unduly onerous.
- b. Should the form for registering members interests make clear that the requirement to register an interest in bodies having charitable purposes extends to bodies which do not fall within the legal definition of a charity and a footnote be added to this effect?

7. Members resolved that the recommendation at (b) be adopted and resolved

*That the Register of Interest Form should be amended to include the following:*

*“NB. It should be noted that the term “bodies with charitable purposes” can include organisations which do not fall within the legal definition of a charity. If you have any queries as to whether you need to register an interest in this (or any other category) then please speak to one of the officers mentioned in the guidance notes at the end of this form.”*

8. Members of the Working Group debated the issue and their comments are included in the minutes of the Working Group on the 20 November 2020 (elsewhere on this agenda). It was resolved that it would be timely to issue all members with a reminder regarding the need to register interests in “bodies with charitable purposes” and to explain the type of bodies these might cover. Members also recommended that the Standards Committee be asked to undertake targeted training on the provisions of the Code.

#### **9 . LGA draft Member Codes of Conduct**

Members may also be aware that the LGA has recently consulted in relation to a new national draft Model Code of Conduct. The Standards Committee considered the draft code and what responses should be made to the LGA consultation process at their meeting on the 16 July 2020.

10. The drafting of a new national Model Code of Conduct dates back to the report from the Committee on Standards in Public Life in January 2019 reviewing ethical standards in local government. The Committee made a number of recommendations including the need for more robust sanctions for breaches of the Code and the need for a national Model Code of Conduct to create consistency across authorities and to be written in plain English and therefore clearly understandable to members, officers and the general public. The LGA has now consulted upon a draft code which it states is designed to help set a framework for public and councillor interaction which emphasises the importance of civility and the need for protection from bullying, intimidation and abuse.
11. The new national code introduces two tables in relation to members’ declaration of interests. Table one deals with Disclosable Pecuniary Interests and Table 2 Other Registrable Interests.
12. Other Registrable Interests are defined as follows:

*Other Registerable Interests:*

*Any Body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council;*

Any	(a) exercising functions of a public nature;
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Body—	
	<i>(b) directed to charitable purposes; or</i>
	<i>(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)</i>

*of which you are a member or in a position of general control or management.*

13. Consultation on the Code was open from the 8 June – 17 August 2020 and the Standards Committee responded to the Consultation on behalf of the Council. The final draft was recently before by the LGA General Assembly. Enquires from the LGA has established that membership of groups such as Freemasons was not mentioned any consultation responses and there is currently no intention to issue any specific guidance on membership of Freemasons as part of the roll out of the new model code.

14 Members are asked to note the position on the new Code.

### **Implications**

<b>Policy</b>	N/A
<b>Finance and value for money</b>	N/A
<b>Legal</b>	All Councils are required to adopt a local Code of Conduct which regulates members' behaviour and sets the standards expected of those holding public office. The LGA is currently consulting on a national code which it is intended will eventually replace the system of local codes of conduct.
<b>Procurement</b>	N/A
<b>Human Resources</b>	There are no additional staffing resources required as a result of this report.
<b>Property</b>	N/A
<b>Equalities</b> (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	N/A
<b>Risk Assessment</b>	It is important that the members are familiar with the provisions of the Code of Conduct to minimise risk of challenge and reputational damage.

<b>Crime Disorder &amp;</b>	N/A
<b>Customer Consideration</b>	N/A
<b>Carbon reduction</b>	N/A
<b>Health and Wellbeing</b>	N/A
<b>Wards</b>	All

**Background papers:**

Council Agenda and Minutes 4 November 2020  
Standards Committee Agenda and Minutes 20 October 2015 and 16 July 2020  
Constitution Working Group 20 November 2020

**Report sign off.**

***Authors must ensure that officers and members have agreed the content of the report:***

	Full Name of Officer
Deputy Monitoring Officer/Legal	Paul Foote
Executive Director of Finance & S151 Officer	N/A
Relevant Executive Director	N/A
Chief Executive	N/A
Portfolio Holder(s)/ Business Chair	Councillor B Flux

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