

Report of the Assistant Chief Executive
Legal and Governance
to the Health and Well Being Board
25th April, 2013

**Application of Local Authority Ethical Standards
Regime to Health and Well Being Boards**

1. Purpose of Report

To advise the Board of the application of the Local Authority Ethical Standards Regime to the Health and Well Being Board and the steps that need to be taken to put this into effect.

2. Recommendation

- (i) that the position on the application of the Local Authority Ethical Standards Regime to Health and Well Being Boards be noted;
- (ii) that the arrangements made for Board Members to register any Discloseable Pecuniary Interest by 28th April, 2013 be noted.

3. Background

The current Ethical Standards Regime for Local Authorities was established by the Localism Act 2011. This requires local authorities to establish codes of conduct for members and arrangements for the registration of Discloseable Pecuniary Interests (DPs) by Members of the Local Authority. Following the clarification in recent regulations that non elected members of the Health and Well Being Board are co-opted members, with voting rights, this brings them within the remit of the Ethical Standards Regime, with a requirement to complete the Register of Interests. This report therefore looks at the arrangements that need to be made to ensure compliance with this requirement.

4. Arrangements to be Put in Place

The Regulations require that members and co-opted members complete the Register of Interest within 28 days of taking up their membership. As the Health and Well Being Board became a formal Council Committee with effect from 1st April, 2013, this requirement now extends to co-opted members of the Health and Well Being Board (i.e. all of those who are not elected members) and Registrations of Interest need to be complete by 28th April, 2013. Appropriate arrangements have been put in hand for this.

The Interests that must be registered are those prescribed in the Regulations made by the Secretary of State. These are set out in Appendix 1. It should be noted that members have an obligation to register any interest that fall within the prescribed list, or the interests of any spouse or civil partner or any co-habitee *if the member is aware of the interests of the relevant partner.*

Where an interest has been registered, it must also be disclosed at a meeting of the Board *where that interest is relevant to any item of business under discussion*. The Council's Standing Orders require that the member must withdraw from the meeting for the duration of that particular item. Failure to register an interest or failure to declare a relevant interest at a meeting is a criminal offence under the relevant regulations. However, clearly the only sort of interest that is required to be registered or disclosed is that which would be relevant to the proceedings of the Board, so where it relates to a health provider organisation for example. Given the strategic nature of the Health and Well Being Board, it does seem likely that these instances will be few and far between.

The register is subject to public inspection and must appear on the Council's web-site. Whilst Board Members need to complete the forms, including personal addresses, this will not be disclosed should the register be inspected or on the version included on the web-site.

5. **Conclusion**

This report gives a brief summary of the position and the action that individual Board Members now need to take. It should be noted that, given the deadline for the completion of registration forms, these have already been circulated to Board Members. However, any further queries can be dealt with at the Board Meeting, or privately if this is preferred.

6. **Appendices**

Appendix 1 – Details of Discloseable Pecuniary Interests
Appendix 2 – Registration of Interest Form

Background Papers

Report on the Future Arrangements for Ethical Standards Under the Localism Act 2011 Considered by Cabinet on 20th June, 2012.

Localism Act 2011 and Relevant Regulations.

Available for inspection in the Legal and Governance Division, Barnsley MBC, Town Hall, Barnsley, tel. (01226 773421).

Officer Contact: Ian Turner **Tel:** (01226) 773421 **Date:** April, 2013

Disloseable Pecuniary Interests

Employment, Office, Trade, Profession or Vocation

Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship

Any payment or provision of any other financial benefit, other than from the relevant authority, made or provided within the relevant period in respect of any expenses incurred by the Board Member in carrying out duties as a member, or towards the election expenses of the Board Member.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).

Contracts

Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:

- a. under which goods or services are to be provided or works are to be executed; and
- b. which has not been fully discharged.

Land

Any beneficial interest in land which is within the area of the relevant authority.

Licences

Any licence (alone or jointly with others) to occupy land that is in the area of the relevant authority for a month or longer.

Corporate Tenancies

Any tenancy where (to the member's knowledge):

- a. the landlord is the relevant authority; and
- b. the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where:

- a. that body (to the member's knowledge) is a place of business or land in the area of the relevant authority; and

b. either:

- (i) the total nominal value of the securities exceeds £25,000 or 100th of the total issued shared capital of that body; or
- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds 100th of that total issued shared capital of that class.



BARNSLEY
Metropolitan Borough Council

LOCALISM ACT 2011

THE RELEVANT AUTHORITIES (DISCLOSABLE PECUNIARY INTERESTS) REGULATIONS 2012

Notification to Monitoring Officer of disclosable pecuniary interests to be entered on the Register of Members' Interests -

GENERAL NOTICE OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS REQUIRED TO BE DISCLOSED UNDER THE COUNCIL'S CODE OF CONDUCT

I, (*name*)

a member/ co opted of Barnsley Metropolitan Borough Council

GIVE NOTICE that:

delete whichever of the following paragraphs in brackets do not apply

(I have no pecuniary interests which are required to be notified to the Monitoring Officer under section 30 of the Localism Act 2011)

(I have no other interests required to be disclosed under the council's Code of Conduct)

(I have set out below under the appropriate headings the pecuniary interests which I am required to notify to the Monitoring Officer under section 30 of the Localism Act 2011 and the other interests which I am required to disclose under the council's Code of Conduct - I have put "none" where I have no such interests under any heading)

The notes to this form give general guidance, but are not necessarily comprehensive. Please seek further guidance from the Borough Secretary or one of his colleagues as necessary.

DISCLOSABLE PECUNIARY INTERESTS

In all cases you should also include details of relevant interests within each of the categories below of your spouse or civil partner or that of somebody with whom you are living as husband and wife or as if you were civil partners

Employment

(a) Any employment office trade profession or vocation carried on for profit or gain.

You should include the name of the person who employs you or has appointed you to any office, the name of any firm in which you are a partner, and the name of any company of which the Member you are a remunerated director.

(b) Sponsorship

Any payment or provision of any other financial benefit (other than from the authority) made or provided within the previous 12 months in respect of any expenses incurred by you in carrying out your duties as a member or towards your election expenses – this includes any payment or financial benefit from a trade union

You should include the name of the person who has made the payment or provided the financial benefit and details of the payment or benefit provided

(c) Securities

Any beneficial interest in securities of a body which has a place of business or land in the authority's area and in which you either have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body.

If the share capital of that body is of more than one class then you should also register any securities in that body if the nominal value of the shares of any one class in which you have an interest exceeds one hundredth of the total issued share capital of that class

(d) Contracts

Any contract between you and the authority for goods, services or works to be provided or executed and which has not been fully discharged

You should also include details of any contract with any firm in which you are a partner or a company in which you are a director or in which you have shares or other investments

(e) Land

Any land in which you have a beneficial interest and which is in the area of the authority.

You should also include details of any interest in land which does not include a right to occupy the land or receive rent such as for example a right of way

(f) Corporate tenancies

Any tenancy where the landlord is the authority and the tenant is a body in which you have a beneficial interest

This means any tenancy between the Authority and any firm in which you are a partner or a company in which you are a director or in which you have shares or other investments

(g) Licences

Any licence to occupy land in the authority's area (alone or jointly with others) for 28 days or longer.

OTHER INTERESTS REQUIRED TO BE DISCLOSED UNDER THE COUNCIL'S CODE OF CONDUCT

Membership of or position of general control or management in any -

(a) body to which the member has been appointed or nominated by the authority as its representative.

(b) public authority or body exercising functions of a public nature.

(c) body dedicated to charitable purposes.

(d) body whose principal purposes include the influence of public opinion or policy.

This includes a political party or trade union

Membership of any

(a) Private club or society

(b) Any organisation which promotes secrecy amongst its members

This includes organizations involved in Freemasonry

ADDITIONAL NOTES

A member must within 28 days of becoming aware of any change to the interests specified above, provide written notification to the authority's monitoring officer of that change.

Failure to do so would be a breach of the code. Failure to register or to disclose at any meeting of the authority at which it arises any disclosable pecuniary interest is also an offence for which you may be liable to conviction.

A copy of all forms must be forwarded to the Monitoring Officer, Barnsley Metropolitan Borough Council, Town Hall, Barnsley. S70 2TA

Signed

Date:

RECEIVED

Signed:

Date:

Monitoring Officer of Barnsley Metropolitan Borough Council