

Councillors are required to complete Public Declarations according to the guidelines in the Code of Conduct for Councillors.

In addition to the Code, the current Council arrangements are that following an election, returning Councillors *automatically* have their previous Public Declaration carried forward and displayed on their Council information page.

It has become apparent that individuals who have previously served as a B&NES Councillor, but not in the directly preceding term, do not have their previous declarations automatically reinstated.

This has created an anomaly, whereby two Councillors could have both received gifts and or hospitality from the same or different sources, yet one will have that information available for the public to see, while the other councillor will not have the information automatically displayed and neither Councillor is doing anything wrong.

This situation was discovered at a recent Public Committee meeting, where one Councillor's Public Declaration was, under the current process, silent on hospitality previously accepted from a third party, while the Committee was considering matters related to that third party.

Public Declarations are not all about "catching councillors out", or stopping what might be considered polite social norms in offering a guest some refreshment.

The Code protects Councillors from individuals and Companies that might wish to exert undue influence, maybe in connection with a development in a Ward. A company may meet multiple Councillors, each on a one-to-one basis. Public Declarations serve to highlight such an event.

It is acknowledged that "lobbying", when correctly applied is an accepted part of the decision-making process, but lobbying should maintain an even playing field. It is wrong that a fully financed company should be able to influence a decision maker, over and above that reasonably available to any resident. Access to decision makers should be comparable, it is less likely a resident's group will be able to fund expensive hospitality for example.

The Localism Act 2011 explains in Section 29, sub section 2.

*"Subject to the provisions of this Chapter, it is for the relevant authority to determine what is to be entered in the authority's register".*

There is nothing in the Act that states Councils "must delete" information.

It was my understanding that the retention of Public Declarations was already in place following my discussions with the former Monitoring Officer.

The current situation needs to be rectified.

A copy of all the Public Declarations exists from the time immediately prior to the 2019 local elections. If the Standards Committee were so minded, and with the agreement of any Councillors so affected, it would be possible to restore any lacking information.