

**Subject:** Guidance from Standards for England for 'Dual Hatted Members' and the Code of Conduct

**Status:** For Publication

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**Report to:** Standards Committee

**Date:** 2<sup>nd</sup> November 2010

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**Report of:** Director of Business

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**Portfolio**

**Holder:** Finance and Resources

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**Key Decision:** No

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**1. PURPOSE OF REPORT**

- 1.1 To inform Members of Guidance released by Standards for England which provides advice to those Members who are 'Dual Hatted'. This is defined as 'members who serve on two or more relevant authorities; for instance, a member who is both a district and parish council member.'

**2. CORPORATE PRIORITIES**

- 2.1 The matters discussed in this report impact directly on the following corporate priorities:-
- Delivering quality Services to our customers
  - Delivering regeneration across the Borough
  - Encouraging healthy and respectful communities
  - Keeping our Borough clean, green and safe
  - Promoting the Borough
  - Providing value for money services

**3. RISK ASSESSMENT IMPLICATIONS**

- 3.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:
- There is a risk of Members failing to adhere to the Code of Conduct if this information is not considered.

**4. BACKGROUND AND OPTIONS**

- 4.1 The Guidance is intended to advise Dual Hatted members on matters such as declarations of interest and predetermination. A summary of the information is contained at [Appendix A](#).

4.2 The Guidance highlights when a Dual Hatted Member must declare an interest in an item in Council meetings. For example, a prejudicial interest is deemed to arise if all of the following conditions are met:

- The matter affects the other authority's financial position or is about a licensing or regulatory matter applied for by the other authority.
- The matter does not fall within one of the exempt categories of decisions under paragraph 10(2)(C) of the Code.
- A reasonable member of the public with knowledge of the relevant facts would believe that the Member's ability to judge the public interest would be impaired.

4.3 The Guidance provides scenarios for Members to consider, which are attached at Appendix B. Those Members who are considered to be dual hatted are urged to consider the Guidance and Scenarios and to contact the Monitoring Officer with any concerns or questions.

#### **COMMENTS FROM STATUTORY OFFICERS:**

#### **5. SECTION 151 OFFICER**

5.1 There are no material financial implications arising from the report.

#### **6. MONITORING OFFICER**

6.1 Members must consider the guidance in terms of predetermination and interests and seek advice where necessary.

#### **7. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)**

7.1 There are no specific human resource implications arising from the report.

#### **8. CONCLUSION**

8.1 It is important that those Members who are considered to be Dual Hatted consider the attached guidance and seek clarification and advice where necessary.

#### **9. RECOMMENDATION(S)**

9.1 That the Committee notes the Guidance for Dual Hatted Members.

9.2 That the Committee recommends that this information be circulated to all Elected and Co-opted Members and a summary provided in the next Members' Bulletin.

#### **10. CONSULTATION CARRIED OUT**

10.1 N/A

**11. COMMUNITY IMPACT ASSESSMENT**

Is a Community Impact Assessment required No

Is a Community Impact Assessment attached No

**12. BIODIVERSITY IMPACT ASSESSMENT**

Is a Biodiversity Impact Assessment required No

Is a Biodiversity Impact Assessment attached No

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