

POLICY, GOVERNANCE & FINANCE COMMITTEE

Date: Monday, 29 July 2024

Title: Governance – Register of Interests, Hospitality, Data Protection & Councillor Training

Contact Officer: Deputy Town Clerk

Background

Members' Register of Interests

The *Local Government Act 2000 and Localism Act 2011* dictate rules on this and set out that all elected town and parish councillors must complete a register of interests' form. This form should detail any financial or other interests that might cause a conflict of interest in their Councillor duties.

Councillors are required to register their interests within 28 days of taking office. They must also keep their statutory register updated, notifying the Town Clerk and District Council's Monitoring Officer of any changes within 28 days of their occurrence.

Additionally, councillors must declare any interests in matters discussed at council meetings. This declaration is made through their general declaration form, or at Council, or committee meetings they attend. Parish and Town Councils are required to publish the register on their own website, if they have one.

Hospitality & Gifts

Witney Town Council has an adopted Code of Conduct, as set out in The Localism Act 2011. The Code of Conduct states Councillors:

- 8.1 *Shall not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.*
- 8.2 *Shall register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.*
- 8.3 *Shall register with the Monitoring Officer any significant gift or hospitality that they have been offered but have refused to accept.*

Members should report any Gifts or Hospitality received which exceed £50 to the Town Clerk within 28 days of the occurrence in the first instance.

Data Protection

The Town Council must ensure it adheres to the Data Protection Act 2018.

Witney Town Council as a corporate body is a Data Controller for all the personal data which is processed for Council activities and has a collective responsibility for ensuring compliance with this legislation.

There are policies, privacy notices, a data map for processing in place and training is provided to staff and Councillors.

Members were provided with data protection information in their Councillor Induction packs in May 2023 and undertook data protection training in September 2023. The slides from this training are included as **Appendix A**. As a general reminder:

- Personal data is information about a living person, that can identify them either directly or indirectly.
- Processing is anything done with or to personal data, including collecting, using, storing and deleting it
- The data subject is the person about whom personal data is processed e.g. a resident
- The data controller is the person or organisation who determines the 'how and what' of data processing.

Current Situation

As the Council's Data Protection Officer, the Deputy Town Clerk is currently reviewing the Council's data map and policies to ensure the Council's obligations under GDPR legislation are met.

As part of this process, Members are also reminded of their individual obligations with processing personal data, as data collected in the role of Councillor is also subject to this legislation.

Members are asked to review the slides of the above training to ensure their individual compliance with the UK GDPR's 'Seven Principles' which set out how the Council must manage data it processes, the six 'lawful bases' for processing, special categories of data, and information regarding breaches.

Members are likely to have three roles where processing the personal data of others and must be cautious, particularly regarding 'sensitive data';

- **Member of the Council**
Councillors make use of personal data provided by the Council when acting as a member of the Council, for example, as a member of a committee. In this circumstance the Council is the registered data controller. Personal information held by the Council will not be used for political purposes unless both the Council and the individuals concerned provide consent.
- **Ward Councillor**
Councillors use personal case work material in their own right when they are acting as a representative of residents of their ward, for example, in dealing with complaints. All Councillors are required to take the context in which personal information is collected to decide whether their use of the information will be fair and lawful.

- **Political Party**
Councillors access, collect and deploy personal data through their political campaigning, particularly at election time. In this circumstance, the political party will be the data controller. When campaigning for election as the representative of a political party, candidates can use personal information, such as mailing lists, legitimately held by their parties. However, personal information they hold in their role as representative of local residents, such as complaints casework, will not be used without the consent of the individual

Members must determine which legal bases apply to each purpose of any information they hold. Once decided, you cannot usually swap from consent to a different basis as the resident has contacted you regarding one subject only.

Personal data should only be kept as long as necessary, it cannot be kept 'in case' you need it. Once a subject has been dealt with, all personal data should be deleted. Please remember WhatsApp messages as part of any formal group, Council are subject to Data Subject Access and Freedom of Information requests.

Dual/Triple-hatted Members

Each individual Authority has its own privacy notice which sets out what data it processes and why. These will all be different as each Council has separate remits.

If contacted from a resident on your Town Council platform on a non- town council related issue, please reply to them on the email address for the Authority which is responsible and explain this to the resident. Please then delete from the town council platform.

At the end of the exercise there may be updated policies, procedures, privacy notices issued which must be adhered to, along with an updated corporate email signature.

Councillor Training

The Council recognises that Members should attend regular sessions to update and improve their understanding of matters affecting local government. For that reason, the Council sets aside a modest sum of £2,500 for Councillor training annually.

It supports and strongly encourages councillors to attend training events, conferences and seminars provided by organisations including the Oxfordshire Association of Local Councils, Society of Local Council Clerks, and West Oxfordshire District Council. Examples of training available include:

- Roles & Responsibilities – Relevant to all Councillors
- Code of Conduct – Relevant to all Councillors
- Councillor Skills - Relevant to all Councillors
- Chair-ship - Relevant to those elected as Mayor, Deputy Mayor and Chairs of Committees
- Planning - Relevant to those elected to serve on the Climate, Biodiversity & Planning Committee
- Finance including budgeting, audit and risk management - Relevant to those elected to serve on the Council's Policy, Governance & Finance Committee

In addition, new Councillors are formally inducted to the Council, its democratic processes, facilities, and operations by way of in-house attendance and training.

Officers will endeavour to inform Members on upcoming training sessions as they arise throughout the year. Please contact the Deputy Town Clerk for further information on your training requirements.

Risk

In decision making Councillors should give consideration to any risks to the Council and any action it can take to limit or negate its liability.

Personal/reputational risk to Members should they break they fail to update their register of interests, advise of hospitality provided. Failure to register or disclose a disclosable pecuniary interest is a criminal offence under the Localism Act 2011.

Reputational/financial risk to the Council as a corporate body if data protection laws are not adhered to. Members are reminded the Council has a training budget and if any Councillor does not understand their obligations, they should ask for training.

Social Value

Social value is the positive change the Council creates in the local community within which it operates.

Financial implications

There are no financial implications pertaining to this report.

Recommendations

Members are invited to note the report and consider the following:

- That, Members note their obligations regarding Register of Interests
- That, Members note their obligations regarding Gifts & Hospitality
- That, Members note their obligations regarding Data Protection and will request any training if they do not
- That, the Council notes the Councillor Training Statement above.