



East
Northamptonshire
Council

Standards Board– 20 June 2012

Activity Report of the Monitoring Officer

Purpose of report:

This report provides a brief update on current Monitoring Officer activity and ethical matters as requested by the board for each meeting.

1. Parish and Town Activity

- 1.1 Since the board met in March , 17 enquiries have been recorded from parish and town clerks and councillors, district councillors and the general public, mainly seeking advice on personal and prejudicial interests.
- 1.2 Changes to the town and parish council registers of interest continue to be made as vacancies arise and are filled. There are currently 43 vacancies around the district, some of which are expected to be filled via by-election.
- 1.3 At the time of writing this report there were 24 outstanding Register of Interest forms for Parish Councillors. The appropriate Parish Clerks had been contacted to remind those Councillors to return the forms to the Monitoring Officer. However given that the new standards arrangements will now come into force on 1st July, after which it will be a criminal offence not to record Disclosable Pecuniary Interests, it is expected that any outstanding registers will be completed after that date.
- 1.4 The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (shown as an Appendix to another paper on this Board) specify a member's disclosable pecuniary interests as pecuniary interests covering the member's 'employment, office, trade, profession or vocation', any 'sponsorship' of the member, including contributions towards their election expenses, any 'contracts' between the member and the authority, any 'land' the member has an interest in and lies within the area of the authority, any 'licences' the member holds to occupy land in the area, any 'corporate tenancies', and certain 'securities' the member may hold.
- 1.5 Members having such disclosable pecuniary interests must register and disclose them, and their involvement in any business of the authority connected with those interests is limited. Failure to comply with the arrangements on disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of a fine of up to £5,000 and disqualification from office for up to five years.

2 Complaints

- 2.1 The level of complaints-related activity appears to be stable, although there appears to be a trend of complaints of breach of the Code being considered where there are either no alternative avenues for complaint resolution (e.g. the Local Government Ombudsman is not empowered to consider complaints in relation to Town or Parish Council process) or those avenues that are available have not been produced the result the complainant wants. In such cases explaining to the complainant that such complaints won't result in a re-consideration of a decision will often result in the complaint not being formally pursued by the complainant although the Monitoring Officer will always supply a link to the Code and Complaint Form (or hard copy if necessary).
- 2.2 The outcome of other action agreed for the new complaint noted at the last meeting is

still awaited. The Review Sub-Committee meeting, also noted to take place in the last report, concluded, as did the original assessment sub-committee, that no further action should be taken in relation to a complaint against a Parish Councillor. All parties have been notified of the outcome.

2.3 The transitional regulations for the new standards arrangements have, as anticipated, put in place measures to ensure that any complaints about a member's conduct not resolved by 1 July are taken forward to a conclusion. Until 1 July, any complaints arising in the authority will be dealt with by the local elements of the old regime, except that an authority's standards committee will not have any power of suspension. If not resolved by 1 July the complaint will be resolved using the new arrangements.

3 Corporate Governance Audit

3.1 As part of an Internal Audit of Corporate Governance questionnaires were distributed to all 39 Council Members to seek their views on corporate governance arrangements, including some in relation to the current standards arrangements. (Anonymity and confidentiality was assured for all respondents.) Responses were received from 9 (23%) of Members

3.2 In general the response from those Members who did complete the survey was positive, with 100% of respondents agreed with the following statements that as Councillors they :

- "understand your responsibilities under the Code of Conduct for Members".
- "are aware of the existence of the Members' Register of Interests and you have made appropriate declarations"
- "are reminded at meetings to make declarations of interest before decisions are discussed and made."

One respondent admitted not knowing what type of declarations need to be made.

3.3 However only 89% of Members questioned agreed that they are aware of the types of declarations they need to make. 11% (1 respondent) was unsure. This may have been due to the imminent changes to the standards regimen so it is clearly important that this is addressed going forward.

3.4 The final audit report on Corporate Governance will be finalised shortly and reported to Scrutiny Committee

Legal	Power: Local Government Act 2000 and Local Government and Public Involvement in Health Act 2007				
	Other considerations: Localism Act 2011				
Background Papers: None					
Person Originating Report: Sharn Matthews, Monitoring Officer, 01832 742108, smatthews@east-northamptonshire.gov.uk					
Date: 12 June 2012					
CFO		MO		CX	

(Committee Report Normal Rev. 22)