

EAST NORTHAMPTONSHIRE STANDARDS BOARD

Date: 20 June 2012

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 7.30 pm

Present: Graham Blagden (Chairman)

East Northamptonshire Councillors: Glenvil Greenwood-Smith
Barbara Jenney
Brian Northall

Town and Parish Councillors: Arthur Whittaker
Sue North

Independent Members: Hilary Daniels
Graham Matthews

53. MINUTES

The minutes of the meeting held on 14 March 2012 were approved and signed by the chairman.

54. APOLOGIES FOR ABSENCE

There were no apologies.

55. DECLARATIONS OF INTEREST

No interests were declared.

56. DISPENSATION REQUEST BY OUNDLE TOWN COUNCIL

Members were presented with a report which detailed a request for dispensation from Oundle Town Council.

It was noted that the Monitoring Officer had received a letter from the clerk to Oundle Town Council on 5 April 2012, containing a request for dispensation to enable town councillors to vote or debate on matters relating to any supermarket or business applying for permission to locate and/or trade within Oundle, if such a business formed competition for the Farmers Market or Council-run weekly market.

Members further noted that should the dispensation be granted, it would only be relevant under the current Standards Regime and would therefore need to be reviewed once amendments to the standards arrangements have taken effect on 1 July 2012

Members raised concerns over the wide-ranging nature of the request and noted that they could not approve the dispensation request in its current format. It was suggested that if a

more specific request was received in future, it might be more appropriate for the dispensation to be granted.

It was

RESOLVED:

- (1) That members would have been minded to grant a dispensation if it related to a specific case, but in this instance the request from Oundle Town Council is considered too wide-ranging to grant.
- (2) That, should a case-specific dispensation be requested and granted, in future members would be expected to declare a non Disclosable Pecuniary or other appropriate interest in the matter to ensure transparency.

57. ACTIVITY REPORT OF THE MONITORING OFFICER

A report was received on ethical matters dealt with by the Monitoring Officer since the last meeting in March. It was noted that 17 enquiries had been recorded from parish and town council clerks and councillors, district councillors and the general public, mainly seeking advice on personal and prejudicial interests. Enquiries had increased slightly since the publication of the report as Town and Parish councils picked up on the impending Disclosable Pecuniary Interests (DPI's).

Members further noted that there were 24 outstanding Register of Interest forms for Parish Councillors, and a formal letter had been sent to parish clerks to remind councillors to return those forms to the Monitoring Officer. However, it was anticipated that those Councillors with outstanding Registers would complete the new Registers soon after the start date for new standards arrangements on 1 July 2012, as failure to record Disclosable Pecuniary Interests would become a criminal offence. A copy of the draft DPI form was included as an appendix to the report, and members were advised that this would require completion by all town, parish and district councillors no later than 29 July 2012.

Members were advised that the level of complaint activity remained steady. A Review Sub-Committee that had been noted at the last meeting had concluded with a decision to take no further action against a Parish Councillor. A further complaint is scheduled to be considered at a Assessment Sub-Committee on 27 June 2012. One final complaint for which 'other action' was required had not yet been completed.

The Monitoring Officer advised members that transitional regulations for new standards arrangements had put in place measures to ensure that any complaints not resolved by 1 July 2012 are taken to a conclusion. However, one legal view was that if the complaint is not at investigation report stage, then that complaint would fall.

It was

RESOLVED:

That members note the contents of the report

58. FINAL REPORT ON FUTURE STANDARDS ARRANGEMENTS

The board received and considered a report from the Monitoring Officer which presented the proposed future standards arrangements at ENC following the conclusion of the Standards Working Party and the issuing of transitional arrangement regulations.

Members discussed the DPI regulations that would need to be declared by councillors and basic examples were provided to the board regarding the working of DPI's in a committee setting.

Members were advised that transitional regulations had been published on 7 June 2012. However ENC would be unable to complete all arrangements in time for transition on 1 July. The council would need to re-confirm which Code of Conduct it had chosen at the next Council meeting on 16 July 2012 as no provision had been provided by the Transitional Regulations for the choice to take place prior to 7 June. There was also no provision under the regulations for the appointment of an existing Independent Standards Board member as an interim Independent Person without advertising the permanent role.

A procedure for handling complaints of breach of Member Code of Conduct had been agreed by the Standards Working Party for recommendation to Council on 16 July and this would form part 9 of the Constitution.

Members noted that two Town and Parish councils had so far agreed to adopt the ENC code of conduct, with a third showing signs of acceptance in the near future. There had also been an encouraging three nominations from Town and Parish councillors to sit on the Joint Standards Complaints Committee (JSCC). The JSCC would be composed of seven ENC councillors and seven Town and Parish councillors.

It was

RESOLVED:

That members note the contents of the report and endorse the approach taken by ENC for future standards arrangements.

59. LOCAL GOVERNMENT OMBUDSMAN ANNUAL REVIEW 2011/12

The board received and considered a report from the Monitoring Officer which provided information on complaints relating to East Northamptonshire Council that had been dealt with by the Local Government Ombudsman (LGO) in 2011/12. Members noted that this item would, in future be taken to Scrutiny Committee, alongside Whistleblowing Responsibility and the Member/Officer protocols.

Members noted that the total number of complaints was slightly up on the previous year. A total of eight enquiries and complaints had been received by the LGO, and of these only three were forwarded to the LGO investigative team. From those complaints only two were investigated to decision by the LGO team; one resulted in the investigation not being justified, the other concluded that there had been no maladministration identified.

The Chairman stated that over the past few years complaints had gradually been reducing in number and that there had been a general improvement in ENC complaints going forward to the LGO.

It was

RESOLVED:

That members note the contents of the report

Chairman