



East
Northamptonshire
Council

Joint Standards Complaints Committee – 30 January 2013

Activity Report of the Monitoring Officer

Purpose of report: This regular report provides a brief update on recent Monitoring Officer activity and the implementation of the new standards framework

Attachment(s)

Appendix A – Position at 15 January 2013 by Council of return of Register of Interests.

1.0 Registers of Interest

- 1.1 At the time of writing this report there were 60 outstanding Registers of Interest for Town and Parish Councillors. (See Appendix A for details). However a number of these may relate to vacancies on councils, not all of which are immediately notified to ENC. (We are aware of 31 vacancies in town and parish councils around the district and these have been excluded from the list).
- 1.2 As agreed at the last committee meeting, the Monitoring Officer has written to councillors who haven't yet returned their Registers and who serve on councils where other councillors have done so. Where no Registers have been received from a council, officers have contacted the Clerk to clarify the reasons for non return. In some cases this has been because of a change of Clerk in the past few months and the matter will now be raised with councillors. A verbal report on the latest position will be given at the meeting but so far the indications are positive that significant progress will have been made.

2.0 Code of Conduct

- 2.1 Under the Localism Act, all councils, including Town and Parish councils, must adopt a new code of conduct which must comply with the seven Nolan principles. At the time of writing this report, 32 Town and Parish Councils have adopted a version of the ENC Code and four the NCalc Code. The position at the five remaining Parish Councils remains unclear and enquiries are being made. The Monitoring Officer will provide a verbal update at the Committee on the latest position.

3.0 Monitoring Officer Enquiries

- 3.1 Since this committee last met the Monitoring Officer has received nine enquiries, mostly in relation to Disclosable Pecuniary Interests.
- 3.2 At the last meeting a query was raised as to whether the Chairmen of Parish Meetings needed to disclose DPI's. Parish Meetings are not mentioned in the Localism Act as relevant authorities to whom the standards provisions apply.

4.0 Dispensations

- 4.1 The Monitoring Officer has granted one dispensation. This is for a group request from all East Northamptonshire Councillors to enable them to set the Council Tax.
- 4.2 Comment was made in a recent House of Commons debate about the necessity of granting such a dispensation. The Monitoring Officer has taken a more cautious

position and advised that they should be sought this year. This is because there is not a clear majority of legal opinion in favour of not having to do so. She formed his view on the basis that it was easier to get signatures and issue a dispensation than to deal with any resultant non-payment on the basis of illegal setting. She will be monitoring the situation over the next year and may then take a different view, especially if no challenges arise this year.

5.0 Complaints

- 5.1 The Investigator's report on the complaint started under the previous standards arrangements has not been received at the time of writing this report. This is being pursued and a verbal update will be given at the meeting, together with progress on the complaint received in October

6.0 Independent Person

- 6.1 Four applications have been received for the position of Reserve Independent Person. Interviews were due to be held on 25 January but have been delayed due to a combination of sudden unavailability of one candidate and anticipated continuing poor weather. The interviews are being rescheduled for late February.

- 6.2 Training for the Independent Person is currently being pursued via the Northamptonshire Monitoring Officer Group

7.0 Other recent issues

- 7.1 At the last committee meeting the Chairman asked if it would be in compliance with legislation for this council to keep records of the IP addresses of those who accessed a Councillor's Register of Interests on the Council's website. The Monitoring Officer has initially investigated the council's ability to collect this information. Whilst it is possible to collect it, what can be collected is a codified IP address which changes every few days. Linking this codified data with individuals will require further information being supplied by internet companies. For data protection reasons it is unlikely that this would be released to this council. It is therefore proposed that no further action is taken.

- 7.2 Also at the last committee meeting, Members discussed how they could provide leadership for the Town and Parish Councils in relation to standards. It was agreed to invite the Chairman (or a nominee) from each council to a seminar with refreshments after the next JSCC meeting. Invitations were duly dispatched via the Clerk of each council using e-mail or post (as appropriate). This was followed by a further e-mail to the majority of clerks who are on line. Unfortunately only three positive acceptances for this event were received. In view of this low level of response the event has been cancelled and the committee is asked to consider what further action or activity might be more appropriate.

- 7.3 The Committee on Standards in Public Life recently produced a report which includes a review of the changed arrangements for local government standards. (The report can be found at http://www.public-standards.org.uk/OurWork/Latest_News.html). It states that:

"The new, slimmed down arrangements have yet to prove themselves sufficient for their purpose. We have considerable doubt that they will succeed in doing so and intend to monitor the situation closely. The arrangements place a particular onus on the Local Government Association to provide leadership for the sector and to ensure that they work in practice."

- 7.4 Oundle Town Council has become the first town or parish council in the district to delegate responsibility to impose sanctions, should a breach of the Code of Conduct occur, to the East Northamptonshire Joint Standards Complaints Committee.

8.0 Equality and Diversity implications

There are no known equality and diversity implications arising from this activity report

9.0 Legal implications

9.1 This report outlines the progress made to bring local arrangements into alignment with the Localism Act 2011 and related regulations.

10.0 Risk management

10.1 The actions reported reduce the risk of non-compliance with legislation, particularly the duty to promote high standards of conduct by councillors

11.0 Financial implications

11.1 There are no known additional financial implications arising from this report.

12.0 Corporate outcomes

12.1 The following corporate outcomes are applicable:

- Effective partnership working
- Effective management

13.0 Recommendation

13.1 Members are recommended to:

- a) Note the progress made in implementing the new Standards framework in councils across East Northamptonshire
- b) Consider what other actions or activities might be undertaken to enable Committee members to provide leadership for the Town and Parish Councils in relation in relation to standards [*Reason: demonstration of the commitment to implement the duty to promote and maintain high standards of conduct*]

Legal	Power: Localism Act 2011				
	Other considerations: East Northamptonshire Code of Conduct for Councillors				
Background Papers: None					
Person Originating Report: Sharn Matthews, Monitoring Officer, 01832 74210, smatthews@east-northamptonshire.gov.uk					
Date: 16 January 2012					
CFO		MO		CX	

(Committee Report Normal Rev. 22)

Registers of Interest Received by the Monitoring Officer by 15/1/13.

*1 Letters have been sent as agreed at the last meeting to those Cllrs whose Registers have not been returned yet.

*2 Officers have contacted the Clerk to discuss the large scale of non-return of Registers and has been promised action by the end of January. A verbal update on the position at these councils will be given at these councils.

<i>Council</i>	<i>Number Received/ Number Expected</i>	<i>Comment</i>
Aldwincle	6/7	*1
Ashton	0/5	*2
Barnwell	7/7	
Benefield	5/7	*1
Brigstock	9/10	*1
Bulwick	2/4	*1
Chelveston	7/7	
Collyweston	4/5	*1
Deene	1/4	*1
Denford	0/5	*2
Duddington	2/8	*1
Easton	10/10	
Glaphorn	7/7	
Great Add	7/7	
Hargrave	5/6	*1
Harringworth	6/6	
Hemington	8/9	*1
Higham	16/16	
Irthlingborough	10/10	
Islip	7/7	
Kings Cliffe	11/11	
Lilford	2/4	
Little Add	0/6	*2
Lowick	5/6	*1
Lutton	3/4	*1
Nassington	6/8	*1
Oundle	14/14	
Pilton	6/7	*1
Polebrook	7/7	
Raunds	11/12	*1
Ringstead	8/9	
Rushden	17/21	
Stanwick	5/6	*1
Sudborough	5/5	
Thrapston	13/13	
Titchmarsh	9/9	

Agenda Item 6 – Appendix A

Twywell	0/5	*2
Warmington	3/6	*1
Woodford	10/13	*1
Woodnewton	7/7	
Yarwell	7/7	