

JOINT STANDARDS COMPLAINTS COMMITTEE

Date: 30 January 2013
Venue: East Northamptonshire House, Cedar Drive, Thrapston
Time: 7.30pm
Present: Councillor Andy Mercer (East Northamptonshire Council) (Chairman)
Councillor Arthur Whittaker (Yarwell Parish Council) (Vice-Chairman)

East Northamptonshire Councillors:

Pauline Bradberry JP Gill Mercer
David Jenney Brian Northall

Town and Parish Councillors:

Mike Clements (Raunds Town Council)
Fiona Cowan (Collyweston Parish Council)
John Greig (Titchmarsh Parish Council)
Roy Jakeman (Thrapston Town Council)
Derek Lawson (Higham Ferrers Town Council)

Independent Person:

Vivienne Barnard

363. MINUTES

The minutes of the meeting of the Joint Standards Complaints Committee held on 5 December 2012 were received and noted.

364. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Michael Finch and Bob Nightingale (East Northamptonshire Council) and Paul King (Oundle Town Council)

365. DECLARATIONS OF INTEREST AND QUESTIONS

There were no declarations of interest and no questions had been received under procedure rule 10.3.

366. REQUESTS FOR DISPENSATIONS

The Monitoring Officer reported that no requests for Dispensations had been received since the last meeting of the Committee.

367. ACTIVITY REPORT OF THE MONITORING OFFICER

The Monitoring Officer submitted a report outlining recent activity and the implementation of the new standards framework, including the actions taken by the Monitoring Officer in relation to individual Parish Councillors and Parish Councils where completed Register of Interests were outstanding. The number of outstanding registrations had now reduced from 60 to 35. Where no registrations had been received from particular Parish Councils, the matter had been pursued with the Parish Clerk and further returns were expected to be received in the near future.

It was noted that failure to register a Disclosable Pecuniary Interest was a criminal offence and where a Councillor failed to make the required registration, this could, ultimately, become a matter to be referred to the Police. However the view of the Committee was that such an approach should be seen as a last resort and was not appropriate yet.

All Parish Councils except for Benefield had adopted either the ENC or NALC Code of Conduct and Benefield Parish Council would reach a decision on this in April 2013.

Since the last meeting of the Committee, the Monitoring Officer had received nine enquiries, mostly in relation to Disclosable Pecuniary Interests.

Further to the issue raised by the Committee at its last meeting, the Monitoring Officer confirmed that Parish Meetings were not mentioned in the Localism Act as relevant authorities to which the standards provisions apply.

The Monitoring Officer had granted one dispensation for all East Northamptonshire Councillors to enable them to set the Council Tax. There was some uncertainty regarding conflicting legal advice about the necessity for Councillors to obtain a Dispensation for this purpose and the Monitoring Officer had taken the view that it was prudent to grant the Dispensation rather than face a potential challenge to the setting of the Council Tax.

The Investigator's report into the complaint received under the previous standards regime had now been received and the Deputy Monitoring Officer would be contacting the parties involved. The Monitoring Officer reported that a further complaint had recently been received and she would be speaking to the Independent Person and Vice-Chairman in due course.

The Committee noted that the Interviews for the appointment of the Reserve Independent Person would take place in February 2013.

In response to the issue raised at the last meeting, the Monitoring Officer had examined the issue of ENC keeping records of the IP addresses of those who viewed Councillors' Register of Interests on the Council website. The information which could be collected would need further data to be supplied by internet companies to link it with individuals and this was unlikely to be released for data protection reasons. Councillor Andy Mercer considered that it would still be possible to gather information on corporate IP addresses which would be outside the provisions of the data protection legislation and the Monitoring Officer undertook to investigate this further.

The seminar for Parish Councils on the new standards framework proposed to be held following this meeting of the Committee had been cancelled as only three positive responses had been received. The Committee was asked to consider what initiatives might be carried out in order to promote the new standards framework. It was noted that members of ENC's Scrutiny Committee planned to visit all Parish Councils in the District over the coming six months and these meetings could be used to obtain feedback from Parish Councils on how well informed they consider themselves to be on the standards framework. It might be

possible to arrange meetings with either individual Parish Councils or groups of Parish Councils to further promote the standards framework.

It was noted that Oundle Town Council had become the first Town/Parish Council in the District to delegate responsibility to impose sanctions, should a breach of the Code of Conduct occur, to this Committee.

The Committee was requested to consider the frequency of its meetings as the schedule of meetings for 2013-14 would be considered at the next Council meeting.

RESOLVED: That

- i) the progress made in implementing the new Standards framework in Councils across the East Northamptonshire Area be noted
- ii) the Monitoring Officer
 - a) write to those Parish Councillors who have not registered their Disclosable Pecuniary Interests regarding their legal requirement to do so, with a copy to be sent to the Leader of the relevant Parish Council if there is one, or to the Mayor/Chairman if there is not.
 - b) provide a copy of the recent presentation on the standards framework to Parish Councils.
 - c) invite Parish Councils to meet with the Monitoring Officer and members of this Committee, either at the ENC offices or for groups of Parish Councils within the Parishes concerned, and giving ample notice with a view to arranging meetings in the summer of 2013.
- iii) four meetings of this Committee be incorporated into the annual schedule of meetings, with any further meetings being convened if required.

(Reason: demonstration of the commitment to implement the duty to promote and maintain high standards of conduct)

Chairman