



East
Northamptonshire
Council

Joint Standards Complaints Committee – 29 January 2014

Activity Report of the Monitoring Officer

Purpose of report: This regular report provides a brief update on Monitoring Officer activity since the last committee meeting.

Attachment(s)

Appendix A – Summary of Register of Interest returns by Town and Parish Councils

1.0 Registers of Interest

- 1.1 At the time of writing this report there are 19 outstanding registers of interests for Town and Parish Councillors – a return rate of 94%. We are aware of 18 vacancies in Town and Parish Councils around the district. Most of the councils have been diligent in ensuring that new councillors complete and return forms over the past year.
- 1.2 Some progress has been made at Warmington. We have had further dialogue with the Clerk who reports that she is unaware of any specific reason for the lack of return of the remaining forms but that she will remind her councillors again. At the time of writing this report no response has been received in respect of enquiries at Twywell in relation to their 5 outstanding forms. The number of outstanding forms has also been raised again with Rushden.
- 1.3 On a related matter, Members will be aware that the Localism Act requires Town and Parish Councils to publish their own Registers of Interest if they have their own website. A recent check revealed that 7 local councils have complied with this provision, usually via a link to the appropriate ENC web-page, which means they don't have to regularly update the page as the work is done at ENC. However, there are 17 other Town and Parish Councils which have websites which do not contain a link or separate page for Registers. The Monitoring Officer has reminded local councils of the legal requirements in this respect via the Town and Parish Council bulletin and will report the position again to the next meeting of the Committee.

2.0 Monitoring Officer Enquiries

- 2.1 Since this Committee last met on 18 September 2013 the Monitoring Officer and Deputies have received 17 enquiries, mostly in relation to the declaration of interests. No requests for dispensations have been received since the last report.

3.0 Complaints

- 3.1 Since the last meeting two new complaints have been received and resolved together with one older complaint. There are currently no complaints being actioned.
- 3.2 Of the complaints that have been resolved:
 - One complaint was by a councillor in respect of another councillor in the same political party at the same council. It was determined that this should be referred to the Group Leader for the party and council concerned for resolution in line with Appendix A paragraph 3(f) of the procedure.
 - Another complaint was by an officer in respect of a councillor at the same council where no further action was recommended.
 - The older complainant had been referred for mediation between the complainant

and councillor which has now concluded although regrettably the mediation process does not appear to have led to any satisfactory outcome.

4.0 Constitutional Amendments

- 4.1 Recent complaint activity has highlighted the lack of provision within the procedure in one possible scenario. The procedure currently requires the Monitoring Officer to consult with either the Chair or Vice Chair (depending on which type of councillor is involved) at various stages of the process. There is no explicit provision for when this person may have a conflict of interest in the complaint. It is therefore proposed to include additional text at paragraph 1.7 as follows:

*“Where this procedure makes reference to consultation with the Chair or Vice Chair of the JSCC, the consultation will usually be with the Councillor who represents the same tier as the Councillor(s) complained against. Exceptionally, if this person is unavailable **or has a conflict of interest**, the other Councillor will be consulted*

5.0 Court judgements and issues from other councils

- 5.1 In order to give members of this committee an insight into how the standards framework is developing, it is proposed to include in future reports a new section relating to court judgements and issues from other councils. For copyright reasons it may not always be possible to provide full articles but links to websites will be provided where possible as in the following case which was referenced at the last Committee.
- 5.2 In December permission for a judicial review of a standards decision at Ealing Council was refused. The standards complaint concerned content posted on the councillor’s blog. The JR application was based on two grounds:
- a) Lack of reasons for the committee’s decision
 - b) Failing to have regard to the claimant’s protected rights under Article 10 of the Convention.

Both grounds failed, with the judge concluding on the latter point that the comments *“were not the expression of a political view, but an unjustified personal and generic attack on a section of the public. The subjects of the speech were not politicians but ordinary members of the public and, as such, the comments did not attract the higher level of protection applicable to political expressions and the comments would plainly have undermined confidence in local government, the preservation of which is a recognised aim of the Code.”*

More details of the case can be found in the following article:

http://www.localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=16769%3Astandards-and-free-speech&catid=59&Itemid=27

6.0 Equality and diversity issues

- 6.1 There are no known negative equality and diversity issues arising from this paper.

7.0 Legal implications

- 7.1 This report outlines activities undertaken under local arrangements which reflect the Localism Act 2011 and related regulations.

8.0 Risk management

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

9.0 Financial implications

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

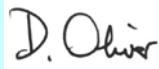
10.0 Corporate outcomes

10.1 The work reported here contributes to the Corporate Outcomes of Effective Management and Strong Community Leadership

11.0 Recommendations

11.1 Members are recommended to note the contents of this report.

11.2 Members are asked to resolve to recommend to East Northamptonshire Council that the Complaints Procedure (Part 9 of the Constitution) be amended in line with Section 4 of this report.

Legal	Power: Localism Act 2011			
	Other considerations: Constitution (Part 9)			
Background Papers:				
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Date: 9/1/14				
CFO		MO		CX 17.01.2014 

Registers of Interest Received by the Monitoring Officer *Updated January 2014

Council	Number received	Total no of seats	No of vacant seats	Comment
Aldwincle	7	7	0	
Ashton	5	5	0	
Barnwell	7	7	0	
Benefield	7	7	0	
Brigstock	11	11	0	
Bulwick	4	5	1	
Chelveston	7	7	0	
Collyweston	5	7	2	
Deene & Deenethorpe	5	6	0	1 form outstanding
Denford	6	7	1	
Duddington	8	8	0	
Easton	11	11	0	
Glaphthorn	7	7	0	
Great Addington	7	7	0	
Hargrave	6	7	1	
Harringworth	7	7	0	
Hemington, Luddington & Thurning	9	9	0	
Higham Ferrers	16	16	0	
Irthlingborough	12	12	0	
Islip	8	9	1	
Kings Cliffe	11	11	0	
Lilford cum Wigsthorpe & Thorpe Achurch	4	6	1	1 form outstanding
Little Addington	6	7	1	
Lowick	5	7	2	
Lutton	4	5	1	
Nassington	8	9	0	1 form outstanding
Oundle	13	14	1	
Pilton, Stoke Doyle & Wadenhoe	7	9	1	1 form outstanding
Polebrook	7	7	0	
Raunds	12	12	0	
Ringstead	8	9	0	1 form outstanding
Rushden	18	21	0	3 forms outstanding
Stanwick	7	7	0	
Sudborough	5	5	0	
Thrapston	12	13	1	
Titchmarsh	9	9	0	
Twywell	0	7	2	5 forms outstanding
Warmington	4	9	1	4 forms outstanding
Woodford	10	13	1	2 forms outstanding
Woodnewton	7	7	0	
Yarwell	7	7	0	
TOTAL	319	356	18	19 Forms Outstanding