



East  
Northamptonshire  
Council

## Joint Standards Complaints Committee– 19 November 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 21 outstanding registers of interest for Town and Parish Councillors. We are aware of 20 vacancies in the district. It is probable that the number of vacancies will increase between now and the election as councils are no longer required to replace retiring councillors by election, although they may do so by co-option if a suitable candidate presents themselves.
- 1.2 There has been a slight improvement in the number of town and parish councils which have their own web-site publishing their own registers of interest. A recent check revealed that eight local councils have now complied with this provision. There remain 14 websites which still do not display the relevant information. The Monitoring Officer will continue to remind clerks of the need to comply with these regulations with a view to gaining full compliance for councillors after the next election.

#### 2.0 Monitoring Officer enquiries

- 2.1 Since the Committee last met on 16 July 2014 the Monitoring Officer has received 7 enquiries in relation to standards issues.

#### 3.0 Complaints

- 3.1 No new complaints have been received since the last committee. In the case of those reported to the last committee as requiring further action:
- For the complaint by a councillor in respect of other councillors in the same political party at the same council, the appeal panel upheld the decision to refer this to the relevant political party and directed that the complaint should be referred to the party central office. The party central office has decided that it was not appropriate to take action and that the complainant could refer the matter herself to the local branch for resolution if she felt the councillors had acted against the party's constitution.
  - The investigation report into a complaint about a councillor by other councillors from the same council has been completed and will progress to a Hearing unless appropriate other action can be agreed in the interim. The latest position will be reported to committee.

#### 4.0 Code of Conduct

- 4.1 The proposed changes agreed by this Committee to the Code of Conduct and Complaint Assessment Process were taken to Governance and Audit Committee on 26 September and agreed by full Council on 6 October. No comments on the proposed changes were made in advance by town and parish councils. The revised versions have been posted to the website

4.2 Subsequently 5 town and parish councils have notified the Monitoring Officer that they have adopted the revised code. The ENC website has been updated to show which version of the Code local councils have adopted and when.

## **5.0 Member Induction 2015**

5.1 Preparations have started for Member Induction Process 2015. In 2011 specific arrangements were made for ENC and town and parish councillors as follows:

- ENC Councillors were offered a choice of late afternoon or evening sessions covering standards, the constitution and other legislative implications of councillor activity such as the Data Protection Act. This was mandatory for all new councillors and optional for longer-serving councillors.
- Town and Parish councillors were offered a joint evening session on Standards and 10 Tips for Survival as a Councillor by the Monitoring Officer and Danny Moody from NCALC in late May. This was specifically aimed at new Councillors but all were welcome. A further Standards-only evening session was held in July for those unable to attend the first session.

5.2 It is proposed to repeat these arrangements in 2015 subject to comments by this committee and also any from the wider town and parish council community via an article in the Town and Parish Council Briefing. It is planned that the dates for both sessions would be set in January so that they can be communicated to potential candidates to increase attendance.

## **6.0 Recent court decision re bias**

6.1 A recent court case (Samuel Smith Old Brewery (Tadcaster) v Selby District Council) is brought to the attention of councillors to show the level of transparency required to ensure that council decisions are seen to be free of bias.

The full court judgement can be viewed here:

<http://www.bailii.org/ew/cases/EWHC/Admin/2014/3441.html>

6.2 In summary the case concerns objections to provisions in a draft core strategy by a local landowner. Amongst the grounds of the judicial review was an allegation that an element of housing policy, which dealt with how management of residential development on sites not allocated for development would be handled in smaller villages, was tainted by apparent bias and therefore unlawful.

6.3 Selby District Council had set up a task and finish group to advise and make recommendations on matters relating to the Core Strategy to their Policy and Resources Committee (PRC). In June 2010 officers proposed that there might be a case for relaxing the policy to make small scale infilling acceptable within secondary village development limits and this was recommended to the PRC. The policy was then considered and altered at the PRC prior to consultation and after that officers proposed further recommendations to the task and finish group in November.

6.4 When these were considered at PRC in December the Chairman of the Task and Finish Group declared a personal and prejudicial interest as his wife owned a property that could be affected by the policy, and for which a planning application had been submitted in the October. He left the room for the debate and vote at which the PRC agreed to adopt the revised policy in the draft Core Strategy.

6.5 A subsequent Standards for England investigation, following a complaint, concluded that the councillor had not breached the code as he had not been required to declare this interest until the December meeting when he had duly done so.

6.6 The Court Ruling dismissed the claim of bias as "it would require a strong case to show that a prejudicial interest affected two officer recommendations, including one after public consultation, two reports of the TFG, and two PRC decisions, the final one

of which was taken after the declaration of interest, and notwithstanding that the independent Inspector had concluded that the outcome was sound, aware of the argument over bias.”

## **7.0 Appointment of additional Deputy Monitoring Officer**

7.1 The Monitoring Officer has appointed Katy Everitt, Head of Resources and Organisational Development as an additional Deputy Monitoring Officer, to supplement James McLaughlin and Paul Smith, in order to provide additional resilience in the situations where others are conflicted out because of previous advice involvement.

## **8.0 Equality and diversity issues**

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

## **9.0 Legal implications**

9.1 This report outlines activities undertaken under local arrangements which reflect 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 work reported here contributes to the Corporate Outcomes of Effective Management and Strong Community Leadership

## **13.0 Recommendations**

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

|   |  |           |  |           |  |
|---|--|-----------|--|-----------|--|
| <b>Legal</b>  | Power: Localism Act 2011                               |           |  |           |  |
|   | Other considerations: Constitution Part 5.1 and Part 9 |           |  |           |  |
| <b>Background Papers:</b>   |  |           |  |           |  |
| <b>Person Originating Report:</b> Sharn Matthews, Monitoring Officer<br>☎ 01832 742108 ✉ smatthews@east-northamptonshire.gov.uk |  |           |  |           |  |
| <b>Date:</b> 3/11/14  |  |           |  |           |  |
| <b>CFO</b>  |  | <b>MO</b> |  | <b>CX</b> |  |

Registers of Interest Received by the Monitoring Officer **\*Updated October 2014**

| <b>Council</b>                          | <b>Number received</b> | <b>Total no of seats</b> | <b>No of vacant seats</b> | <b>Comment</b> |
|---|------------------------|--------------------------|---------------------------|----------------|
| Aldwincle                               | 7                      | 7                        | 0                         |                |
| Ashton                                  | 5                      | 5                        | 0                         |                |
| Barnwell                                | 7                      | 7                        | 0                         |                |
| Benefield                               | 6                      | 7                        | 0                         | 1 form o/s     |
| Brigstock                               | 11                     | 11                       | 0                         |                |
| Bulwick                                 | 4                      | 5                        | 0                         | 1 form o/s     |
| Chelveston                              | 7                      | 7                        | 0                         |                |
| Collyweston                             | 5                      | 7                        | 2                         |                |
| Deene & Deenethorpe                     | 6                      | 6                        | 1                         |                |
| Denford                                 | 7                      | 7                        | 1                         |                |
| Duddington                              | 8                      | 8                        | 0                         |                |
| Easton                                  | 11                     | 11                       | 1                         |                |
| Glaphorn                                | 7                      | 7                        | 1                         |                |
| Great Addington                         | 7                      | 7                        | 1                         |                |
| Hargrave                                | 6                      | 7                        | 0                         | 1 form o/s     |
| Harringworth                            | 7                      | 7                        | 1                         |                |
| 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                        | 0                         | 2 forms o/s    |
| Little Addington                        | 7                      | 7                        | 0                         |                |
| Lowick                                  | 5                      | 7                        | 2                         |                |
| Lutton                                  | 4                      | 5                        | 1                         |                |
| Nassington                              | 8                      | 9                        | 0                         | 1 form o/s     |
| Oundle                                  | 13                     | 14                       | 1                         | 1 form o/s     |
| Pilton, Stoke Doyle & Wadenhoe          | 7                      | 9                        | 1                         | 1 form o/s     |
| Polebrook                               | 7                      | 7                        | 0                         |                |
| Raunds                                  | 12                     | 12                       | 0                         |                |
| Ringstead                               | 8                      | 9                        | 0                         | 1 form o/s     |
| Rushden                                 | 20                     | 21                       | 0                         | 1 form o/s     |
| Stanwick                                | 7                      | 7                        | 0                         |                |
| Sudborough                              | 5                      | 5                        | 0                         |                |
| Thrapston                               | 13                     | 13                       | 0                         |                |
| Titchmarsh                              | 9                      | 9                        | 0                         |                |
| Twywell                                 | 0                      | 7                        | 2                         | 5 forms o/s    |
| Warmington                              | 4                      | 9                        | 1                         | 4 forms o/s    |
| Woodford                                | 10                     | 13                       | 1                         | 2 forms o/s    |
| Woodnewton                              | 6                      | 7                        | 1                         |                |
| Yarwell                                 | 7                      | 7                        | 1                         |                |
| <b>TOTAL</b>                            |                        |                          | <b>20</b>                 | <b>21</b>      |