

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Update on Code of Conduct and
Register of Disclosable Pecuniary Interests

Meeting/Date: Corporate Governance Committee
23 January 2019

Report by: Tom Batha, Member Support Assistant

Ward(s) affected: All Wards

Executive Summary:

The Monitoring Officer has a duty to establish and maintain a register of Disclosable Pecuniary Interests (DPIs) and this report provides the Committee with an update on the current level of returns and to consider any action that might be necessary to encourage those Councillors who continue to fail to return their forms to comply.

While there is currently one DPI outstanding, there has been a significant turnover of new Town and Parish Councillors following the recent election and those not received relate to new Councillors. Further reminders will be issued to the Clerks where DPIs have not been returned and the details will be published as soon as these are received.

Recommendation(s):

The Committee is requested to consider and comment on the report.

1. WHAT IS THIS REPORT ABOUT?

- 1.1 Chapter 7 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of disclosable pecuniary or other interests of Members of the District Council and the District Council also continues to be responsible for maintaining the Register for Parish Councils. The register is open for inspection at the District Council's offices and published on the District Council's website. Where a Parish Council has a website, the District Council is required to provide that Council with the information necessary to enable it to publish their current register on its own website. Information in respect of the DPIs of each Parish Council is presented in Appendix 1.
- 1.2 Each Parish Council also has a duty to adopt a Code of Conduct. All Town and Parish Councils were requested to advise the Monitoring Officer when their Council had adopted a new Code and to confirm whether it was identical to that adopted and promoted by the District Council or alternatively the version produced by the National Association of Local Councils (NALC) or any other.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 The Committee is responsible for maintaining high standards of conduct by Members of the District and Town and Parish Councils, for monitoring operation of the Code of Conduct and for considering the outcome of investigations in the event of breaches of the Code. The District Council has a duty to maintain and publish the Registers of Pecuniary Interests of both the District and Town and Parish Councils. Those Members who fail to comply with the 2011 Act are guilty of an offence and liable to a maximum fine of £5,000 and disqualification for up to 5 years.
- 2.2 This report describes the current position in relation to both of these matters.

3. ANALYSIS/REPORT

- 3.1 All DPI forms that have been received have been published. Any changes made to pecuniary interests have also been published.
- 3.2 Of 71 Town and Parish Councils, 41 have had their full Register published on the District Council's website. 30 Parishes have published their Register with vacancies, with one still to return a DPI for one of their Councillors.
- 3.3 In terms of individual DPIs, 611 out of a total of 650 have been received from Parish Councillors; with 38 vacant and 1 outstanding. The up to date position on each Council is noted in Appendix 1. The Committee will appreciate that it is unlikely that there will ever be a complete return at any one time because of the ever changing nature of Parish Council membership.
- 3.4 All District Councillors' DPI forms are uploaded onto the Council's website.

4. KEY IMPACTS? HOW WILL THEY BE ADDRESSED?

- 4.1 The Corporate Team regularly requests updates from those Parish Councils where DPIs are outstanding. Similarly, incomplete or inaccurate forms are returned to Parish Councils with a request to revise and return. All Parish Councils are asked twice a year to verify details held by the District Council regarding DPIs and the Code of Conduct adopted by each Parish Council.

5. WHAT ACTIONS WILL BE TAKEN

- 5.1 Parish Clerks are regularly reminded by email to submit DPI forms as soon as possible following any changes. Further reminders will be issued to the Clerks where DPIs have not been returned and the details will be published as soon as these are received.

6. CONSULTATION

- 6.1 Not applicable.

7. LEGAL IMPLICATIONS

- 7.1 While there is no legal obligation upon Town and Parish Councils to notify the Monitoring Officer, records indicate that all Town and Parish Councils have adopted a Code of Conduct. 57 of those Parish Councils have adopted a Code based on that adopted by the District Council. 12 Town and Parish Councils have opted for the Code promoted by NALC, and two have adopted their own version of the Code. The up to date position on each Council is noted in Appendix 2.

8. REASONS FOR THE RECOMMENDED DECISIONS

- 8.1 The Committee take a role in maintaining high standards of conduct by Members and monitoring the Code of Conduct. By ensuring that DPIs are published, the Council is supporting local accountability and transparency in decision making which contributes to the objective to develop stronger and more resilient communities to enable people to help themselves.

9. LIST OF APPENDICES INCLUDED

Appendix 1 – Summary of Town and Parish Councils Disclosable Pecuniary Interests (DPI) forms

Appendix 2 – List of Town and Parish Council New Standards Regime and Code of Conducts.

BACKGROUND PAPERS

None.

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