

HUNTINGDONSHIRE DISTRICT COUNCIL

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

Meeting/Date: Standards Committee – 5th December 2013

Executive Portfolio: Strategic Economic Development and Legal

Report by: Head of Legal & Democratic Services and Monitoring Officer

Wards affected: All Wards

Executive Summary:

As the Monitoring Officer has a duty to establish and maintain a register of disclosable pecuniary interests and as matters relating to breaches of the Code of Conduct remain under the auspices of the Committee, to receive an update on the current level of returns and to consider any action that might be necessary to encourage those Councils who continue to fail to return their forms to comply.

Recommendation:

The Committee is requested to note the current position.

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1. WHAT IS THIS REPORT ABOUT/PURPOSE?

- 1.1 Chapter 7 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of Members and co opted Members of the Authority (the District Council). The Monitoring Officer also continues to be responsible for maintaining the Register for Parish Councils which has to be 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 also 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 the Appendix to the report.
- 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.
- 1.3 This report describes the current position in relation to both of these matters.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 The Committee is responsible for maintaining high standards of conduct by Members of the District, 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.

3. CURRENT POSITION – DISPOSABLE PECUNIARY INTERESTS (DPIs)

- 3.1 DPI forms have been received from all 52 District Councillors and are published. Any changes made to pecuniary interests since the last update report in June also have been published.
- 3.2 Of 71 Town and Parish Councils, 61 have had their full Register published and 6 part Registers (which comprise the DPIs of all Councillors) on the District Council's website and copies of their Register returned to their Clerk for publication locally should that be possible.
- 3.3 In terms of individual DPIs, 587 of a total of 650 have been received from Parish Councillors and 63 are outstanding twenty of which are vacancies. Principally, those outstanding are due from Abbots Ripton, Abbotsley, Grafham and Old Weston. Following the last meeting of the Committee, returns from all these Parishes were actively pursued. The up to date position on each Council is noted in the Appendix. In terms of Old Weston, training was presented to the Parish Council on 5th November. It was their intention to adopt a Code of Conduct at the meeting of the Parish Council which was to follow. Regrettably this did not happen as the item was deferred again to their January meeting. The remainder of the outstanding forms are those where resignations have recently occurred and DPIs are still awaited from newly co opted Councillors. The Committee will appreciate that it is unlikely that there will ever be a complete return at any one time because of ever changing nature of the system.

- 3.4 The Monitoring Officer continues to pursue those Parish Councils where DPIs are still outstanding and may be in a position to give a further update at the meeting. Similarly, incomplete or inaccurate forms are returned to Parish Councils with a request to revise and return.

4. CURRENT POSITION – CODES OF CONDUCT

- 4.1 Whilst there is no legal obligation upon Town and Parish Councils to notify the Monitoring Officer, records indicate that 70 out of 71 Town and Parish Councils have adopted a Code of Conduct. Fifty-six of those Parish Councils have adopted a Code based on that adopted by the District Council. Ten Town and Parish Councils have opted for the Code promoted by NALC. Of the remaining Councils, 4 have adopted their own version of the Code but having had sight of these the Monitoring Officer is satisfied that they are adequate for the purpose. Old Weston Parish Council have not yet adopted a Code of Conduct.

5. FUTURE ACTION

- 5.1 The Committee may recall that they had suggested, at the last meeting, that they or the Chairman should give notice of their intention to visit meetings of the 4 Parish Councils where DPIs are outstanding to explain how important it was for their Members to complete the forms. Members are asked to indicate whether they still wish to pursue this option or, given the few involved, whether they would prefer the Monitoring Officer to continue to pursue the forms in the usual way.

BACKGROUND PAPERS

Register of DPIs

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