

HUNTINGDONSHIRE DISTRICT COUNCIL

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

Meeting/Date: Standards Committee – 6th March 2014

Executive Portfolio: Strategic Economic Development and Legal

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

Wards affected: All Wards

Executive Summary:

The Monitoring Officer has a duty to establish and maintain a register of disclosable pecuniary interests and matters relating to breaches of the Code of Conduct remain under the auspices of the Committee. This report is an update on the current level of returns.

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 December also have been published.
- 3.2 Currently, of 71 Town and Parish Councils, 58 have had their full Register published and 11 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. The DPIs from Abbots Ripton and Old Weston still are completely outstanding. Where part registers have been published this can reflect where changes are in progress, where resignations have occurred or where there are unfilled vacancies. These figures will continue to vary and it is unlikely that there will ever be a complete return at any one time because of ever changing nature of the system.
- 3.3 In terms of individual DPIs, 590 of a total of 650 have been received from Parish Councillors and 60 are outstanding 26 of which are vacancies. Principally, those outstanding are due from Abbots Ripton and Old Weston. Members may recall that, at the last meeting, it was suggested that the Monitoring Officer should advise Parish Councils that he would draw their continuing failure to to return DPIs to the attention of the External Auditor before closing the 2013/14 accounts. In the event, progress made with Abbotsley and Grafham Parish Councils meant it was not necessary to write to

these Councils on those terms. Contact with a newly appointed clerk at Abbots Ripton has secured an undertaking from them to forward newly completed DPI forms. 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. As a Code of Conduct still was not adopted at the January meeting, the Monitoring Officer wrote to the Parish Council in the terms suggested by the Committee. Subsequently, the Clerk issued a strongly worded email to the Members of the Parish Council. Recent contact with the Monitoring Officer in respect of sensitive issues suggests that there is some move on the part of the Parish Members to comply. The next Parish Council meeting is in March. Should no further progress be made by the end of this month the Monitoring Officer will write to the External Auditor as instructed. The up to date position on each other Council is noted in the Appendix.

- 3.4 The Monitoring Officer continues to return incomplete or inaccurate forms to Parish Councils with a request to revise and return.

4. CURRENT POSITION – CODES OF CONDUCT

- 4.1 No changes are reported in this section. Members will be aware that there is no legal obligation upon Town and Parish Councils to notify the Monitoring Officer but that our 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. As already discussed, Old Weston Parish Council have not yet adopted a Code of Conduct.

5. FUTURE ACTION

- 5.1 The Monitoring Officer will write, as instructed, to the External Auditor in respect of Old Weston Parish Council if it is apparent that the Council have not adopted a Code of Conduct or returned their DPIs by 31st March 2014.

BACKGROUND PAPERS

Register of DPIs

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