

**STANDARDS COMMITTEE
9 OCTOBER 2019**

REGISTERS OF INTERESTS – PARISH COUNCILS

Cabinet Member(s): Cllr Nikki Woollatt, Cabinet Member for the Working Environment and Support Services

Responsible Officer: Kathryn Tebbey, Group Manager for Legal Services and Monitoring Officer

Reason for Report: to update the Standards Committee on the number of outstanding registers from parish councils in the district and to consider what should be done to remedy this.

RECOMMENDATION: that the Standards Committee considers the options in part 3 of this report and indicate to the Monitoring Officer their views on the action that should now be taken.

Financial Implications: There is no direct financial implication arising from this report, other than the costs associated with investigations, Members' expenses in attending any meetings of the Standards Sub-Committee and the time taken in any local or information resolution.

Legal Implications: The implications are set out in the report.

Risk Assessment: The risk is that public confidence in parish councils might be undermined and in the willingness of this Council to promote high standards.

Equality Impact Assessment: Any councillor who indicates that their protected characteristics impede their ability to comply with any obligation in the Localism Act 2011 will be offered advice and assistance to secure compliance.

Relationship to Corporate Plan: Community – Working with Town and Parish Councils. Aim 2 – Ensuring that town and parish councils have access to the advice they need to carry out their functions legally and efficiently.

Impact on Climate Change: None arising from this report.

1.0 Introduction

1.1 Members will be familiar with the requirements when it comes to the completion of registers of interests. In summary, Members are required to submit their completed registers to the Monitoring Officer within 28 days of taking office and within 28 days of any changes arising to those interests. The same rules apply to parish councillors. The Monitoring Officer of a district council is, by law, the Monitoring Officer of a parish council within the district.

1.2 Section 34 of the Localism Act 2011 provides that it is an offence without reasonable excuse to fail to comply with the obligation to submit a register of interests in the manner required by the legislation – this would include the 28-day rule. In addition to a fine, a person if convicted could be disqualified from

being a councillor for a period of up to 5 years. Alleged offences are to be investigated by the Police, as the cases are only to be instituted by or on behalf of the Director of Public Prosecutions. Councillors took office on 7 May 2019 and therefore had until 4 June 2019 to send in their registers.

- 1.3 In addition to the offence created by the Localism Act 2011, council codes of conduct will almost always include an obligation to complete and provide the register within the timescales described above.

2.0 **Failure to comply with the obligation to provide registers**

- 2.1 It is of great concern to the Monitoring Officer that, despite extensive chasing on her behalf by Member Services, a number of registers remain outstanding. The Monitoring Officer has also made the Clerks to the parish councils aware that she would be taking a report to this Standards Committee. Furthermore, the Monitoring Officer has also made the ward Members for the relevant parishes aware. To be clear, the obligation is on each and every individual member to comply with this obligation – it is not the responsibility of the Clerk and it is not the responsibility of the Monitoring Officer to stand over Members until the register is provided.

- 2.2 As at 30 September 2019, 21 councillors of the parishes listed in Appendix 1 had not completed and returned their registers. This information is exempt information and not for publication, as the Appendix is marked. It is exempt information at this stage because it (a) contains information likely to reveal the identity of an individual but also because it (b) relates to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

3.0 **Options**

- 3.1 The options are set out below. It is the Monitoring Officer's view that the approach in either option 3.1.2 or option 3.1.3 is equally valid, subject to the considerations set out in those paragraphs.

- 3.1.1 Do nothing other than to continue to remind the councillors of their obligations. It is the view of the Monitoring Officer that this is not a viable option – it is in effect turning a blind eye to a clear obligation on parish councillors when they take office and will not be in line with the duty to uphold good standards. Given the amount of chasing to date, combined with previous training and personal visits to certain parish councils, the Monitoring Officer is not convinced that this will lead to compliance by all.

- 3.1.2 The Monitoring Officer registers complaints against each and every councillor who has failed to comply with their obligations in breach of their respective codes of conduct. Whilst 21 investigations in one go would ordinarily be an excessive workload, these alleged breaches are relatively straightforward to consider. If necessary, a third party investigator could be commissioned to complete this work. Where evidence of a breach is found, the matter could be referred to the Standards Sub-Committee to hear the case. Again, this would be a significant burden on the Standards Sub-Committee and we would probably need to split any resulting cases over a number of sessions.

- 3.1.3 Refer all cases to the Police for investigation. This may seem somewhat heavy-handed, but the legislation is clear. The Monitoring Officer is seeking some information from the Police and will update Members of the Committee at the meeting. There is a fine balance of working with parishes in a constructive and collaborative way, yet ensuring that the highest standards are maintained. Of course, the Police may not consider such offences to be a priority in the absence of an aggravating factor e.g. failure to complete the register and participating in a matter with such an interest, for some form of gain.
- 3.1.4 Subject to investigation and a finding of breach and/or charges being laid, the breach and/or offence will have already occurred. Where a breach is remedied “after the event”, it is open to the Monitoring Officer at any stage to consider local or informal resolution. That might include a requirement to attend training. However, that would have to be reviewed at the time. In terms of any offence, any late remediation by the subject councillor could be taken into account, but it would not negate the fact that the offence had already been committed. It would be a matter for mitigation.

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Circulation of the Report: Cabinet Member for the Working Environment and Support Services

List of Background Papers: None.