

GOVERNANCE COMMITTEE

18 SEPTEMBER 2018

REPORT OF MONITORING OFFICER

CODE OF CONDUCT – UPDATE

1.0 PURPOSE OF REPORT

- 1.1 To update the Committee on the latest position with regard to standards matters including the Code of Conduct, the Registration of Disclosable Pecuniary Interests and Other Interests and any complaints against Councillors dealt with under the Council's process.

2.0 RECOMMENDATIONS

- 2.1 **The update on the position of standards matters including Parishes' Registration of Disclosable Pecuniary Interests and Other Interests and complaints against Councillors dealt with under the provisions of the Localism Act be noted.**
- 2.2 **To note that in respect of Member Complaint Reference GOV 53, in accordance with the Member Complaints Process and the Investigating Officer's finding of no breach, the case be closed.**

3.0 KEY ISSUES

3.1 Registration of Disclosable Pecuniary Interests and Other Interests

Registration of Disclosable Pecuniary Interests (DPI) and other interests appears to have become the norm for Borough and Parish Councillors to complete when there is any change. Updates from both Borough and Parish Councillors are generally received when there is change to the submitted form such as change of address or when new Councillors are appointed and the Council's website is updated with such amendments.

3.2 Complaints

There are two complaints in progress and two that have been closed since the last meeting. At the time of writing this report, two are under consideration by the Monitoring Officer and are at the informal resolution stage. Another complaint was received and progressed to closure by the Monitoring Officer.

The fourth complaint had been referred for investigation and the Investigating Officer's report (summarised at Appendix A) had concluded that there was no case to answer. Therefore in accordance with the Member Complaints Process at paragraph 13 set out below, the Committee is requested to note that it was the Monitoring Officer's intention to close the complaint.

'13 If during or at the conclusion of the investigation it becomes obvious that there is no case to answer the Monitoring Officer will have discretion to

close the complaint. This will be in consultation with the Independent Person and Chair or Vice Chair of Governance Committee.'

3.3 Independent Persons and Parish Representatives

One of the Council's Independent Persons, Adam Lowe, resigned his position as an Independent Person with effect from 17 August 2018 for personal reasons. Therefore the Council currently has one Independent Person to consult on Member complaints. The Monitoring Officer intends to review this arrangement in light of the recent difficulties in recruiting to this role.

4.0 **POLICY AND CORPORATE IMPLICATIONS**

4.1 Strong Corporate Governance is important in order to ensure high standards of conduct are maintained.

5.0 **FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

5.1 Any financial implications are able to be met from existing resources. However following the Borough and Parish elections the registering of Members' interests and publishing these to the website will have a significant impact on the Council's democratic services resources.

6.0 **LEGAL IMPLICATIONS/POWERS**

6.1 Of particular note in the Localism Act is the change making the non-registration of a disclosable pecuniary interest within 28 days a criminal offence.

7.0 **COMMUNITY SAFETY**

7.1 There are no specific community safety implications in this report.

8.0 **EQUALITIES**

8.1 An Equalities Screening Assessment has been completed and outlines the Council's responsibilities with regard to matters within the report under the Localism Act.

9.0 **RISKS**

9.1 The risks associated with the report are considered to relate to managing the requirements of the Localism Act and the implications of this not being followed by Councillors impacting on the Council's decision-making process and reputation.

L I K E L I H O O D	A	Very High				
	B	High				
	C	Significant				
	D	Low		1		
	E	Very Low				
	F	Almost Impossible				
			Negligible 1	Marginal 2	Critical 3	Catastrophic 4

IMPACT

Risk No	Risk Description
1	Decisions of the Sub Committees challenged due to processes not followed in line with legislation and the Council's agreed process.

10.0 CLIMATE CHANGE

10.1 Publishing the Registration of Disclosable Pecuniary Interest forms and information on the Councillor Complaints process to the website encourages paper free access to information and helps to meet the Council's green targets.

11.0 CONSULTATION

11.1 There is consultation with the Independent Persons on Member complaints as well as consultation with the Parish Representatives on Parish Councillor complaints.

12.0 WARDS AFFECTED

12.1 All indirectly.

Contact Officer: Adele Wylie, Monitoring Officer
Date: September 2018
Appendices: Appendix A – Summary of GOV 53 Investigating Officer's report
Background Papers: Localism Act 2011
Minutes of Council Meeting held on 18 July 2012
Minutes of Council Meeting held on 17 July 2013
Minutes of Council Meeting held on 11 December 2013
Previous Minutes of Standards Committee
Previous Minutes of Governance Committee
Reference: Governance/2018-19/180918/Code of Conduct – Update on Progress