

<b>CONSTITUTION AND ETHICS COMMITTEE</b>	AGENDA ITEM No. 8
<b>28 JANUARY 2019</b>	<b>PUBLIC REPORT</b>

Report of:	Fiona McMillan Director of Law & Governance and Monitoring Officer	
Cabinet Member(s) responsible:	Councillor Irene Walsh - Cabinet Member for Communities	
Contact Officer(s):	Linda Letch - Member Services Officer Claire Osborne - Democratic Services Administrator	Tel. 01733 452346 / 01733 452273

**PARISH COUNCILLORS REGISTER OF INTERESTS**

<b>R E C O M M E N D A T I O N S</b>	
<b>FROM:</b> Fiona McMillan Director of Law & Governance and Monitoring Officer	<b>Deadline date:</b> N/A
<p>It is recommended that Constitution and Ethics Committee:</p> <ol style="list-style-type: none"> <li>1. Note the Parish Councillors who have failed to submit a Declaration of Members Interests.</li> <li>2. Decide what action / if any should be taken.</li> <li>3. Decide if training to the parish clerks is appropriate.</li> </ol>	

**1. ORIGIN OF REPORT**

1.1 This report is submitted to Constitution and Ethics Committee by the Council's Monitoring Officer following a recent audit on parish council members interest declarations received.

**2. PURPOSE AND REASON FOR REPORT**

2.1 The purpose of this report is to notify the Constitution and Ethics Committee of the Parish Councillors who have not submitted a Declaration of Interest Form since being elected / re-elected / co-opted.

2.2 This report is for Constitution and Ethics Committee to consider under its Terms of Reference No. 2.7.2.8, 'To have oversight of parish councils' codes of conduct and registers of interests, and authority to consider complaints regarding parish councillors) and make a decision on appropriate action to be taken.'

**3. TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If yes, date for Cabinet meeting	<b>N/A</b>
---	-----------	----------------------------------	------------

**4. BACKGROUND AND KEY ISSUES**

4.1 Under current legislation Parish Councillors must return their completed registers of interests declaration no later than 28 days after being elected, re-elected or co-opted. This includes any

changes to existing registers while they are a parish councillor, as this information should be kept up to date during this period.

- 4.2 The completion of registers is usually facilitated by the parish clerk. All original registers are provided to the Monitoring Officer, with copies kept by the clerk.
- 4.3 The Monitoring Officer has a responsibility to ensure the parish council's registers of interests are available for inspection at the Town Hall, and published on the council's website.
- 4.4 If a parish council has their own website, they should ensure all parish councillors register of interests are published. A copy should also be held by the Parish Clerk available for the public to view.
- 4.5 All clerks were asked by email 24 July 2018 to submit outstanding forms. A letter was sent 12 November 2018 identifying specific parish councillors who had not submitted a declaration of interests and a reminder email was sent 23 November 2018 with a request to submit any items outstanding by 30 November 2018.

- 4.6 There are a wide range of sanctions which can be applied to Councillors and local authorities, including Parish Councillors. The Institute of Public Finance Better Governance Team provides a cumulative summary of decisions by Case Tribunals formed from the Adjudication Panel. A short extract of the summary can be found at **Appendix B**.

## **5. CONSULTATION**

- 5.1 Local consultations were not appropriate in this instance. This is a statutory duty on all local authorities and parishes.

## **6. ANTICIPATED OUTCOMES OR IMPACT**

- 6.1 For the Constitution and Ethics Committee to consider a procedure for action required for non-submission of parish councillor's interest declarations within the correct timescales.
- 6.2 For the Constitution and Ethics Committee to consider training requirements to parish clerks on completion, submission and publication of member interest declarations.

## **7. REASON FOR THE RECOMMENDATION**

- 7.1 It is a statutory requirement to declare parish council member interests under the Localism Act 2011.
- 7.2 The Monitoring Officer has a duty to oversee this and publish the interests on the Council's website.
- 7.3 Members can be fined up to £5,000 and disqualified from holding office as a councillor for up to five years.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

- 8.1 Take no action, however this could impact negatively on the Council and it's reputation amongst elected members and the public.

## **9. IMPLICATIONS**

### **9.1 Financial Implications**

- 9.1.1 Should the legal requirements not be met there maybe financial implications to the Council.
- 9.1.2 Parish Councillors can be fined up to £5,000.

## 9.2 **Legal Implications**

9.2.1 There could be legal implications for failure to publish parish council member interests.

## 9.3 **Equalities Implications**

9.3.1 This report applies equally to all parish councillors.

## 9.4 **Rural Implications**

9.4.1 This report applies equally to both rural and urban parish / town / community councils.

## 10. **BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

### 10.1 **The Localism Act 2011**

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/240134/Openness\\_and\\_transparency\\_on\\_personal\\_interests.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/240134/Openness_and_transparency_on_personal_interests.pdf)

### 10.2 **The Institute of Public Finance Better Governance Team summary of decisions by Case Tribunals formed from the Adjudication Panel.**

[http://www.merseyfire.gov.uk/asp/pages/fire\\_auth/pdf/CFO\\_077\\_06\\_Appendix.pdf](http://www.merseyfire.gov.uk/asp/pages/fire_auth/pdf/CFO_077_06_Appendix.pdf)

## 11. **APPENDICES**

11.1 Appendix A - List of Parish Councillors who have not submitted a Declaration of Interest since election / re-election / co-option.

Appendix B - Summary of decisions relating to Declaration and Register of Interests.

This page is intentionally left blank