

CONSTITUTION AND ETHICS COMMITTEE	AGENDA ITEM No. 10
11 MARCH 2019	PUBLIC REPORT

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 REGISTERS OF INTERESTS - UPDATE

R E C O M M E N D A T I O N S	
FROM: Fiona McMillan Director of Law & Governance and Monitoring Officer	Deadline date: N/A
<p>It is recommended that the Constitution and Ethics Committee:</p> <ol style="list-style-type: none"> 1. Continue to monitor the situation and report back to the Committee. 2. Receive an update in six months on progress made with training. 	

1. ORIGIN OF REPORT

1.1 This report is submitted to the Constitution and Ethics Committee by the Council's Monitoring Officer following a recent audit on parish council members interest declarations received. The original report was presented to the Committee on 28 January 2019 and an update was requested for the next meeting.

2. PURPOSE AND REASON FOR REPORT

2.1 The Monitoring Officer has a responsibility under s29(1) of the Localism Act to establish and maintain a register of interests of all members and co-opted members of parish council in Peterborough City Council's area. All members have a legal duty under s 30(1) of the Localism Act to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of becoming a member or co-opted members. Breach of this requirement is potentially an offence under s34 (1) (a) of the Localism Act.

2.2 The Committee requested an update on progress on:

1. The training to be provided for Parish Clerks to better understand the responsibility for completing register of interest forms.
2. Contacting the outstanding Parish Councillors to ascertain why the forms had not been completed.

2.3 This report is presented to the Constitution and Ethics Committee under its terms of reference "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?	NO	If yes, date for Cabinet meeting	
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4. **BACKGROUND AND KEY ISSUES**

- 4.1 A report was submitted to the Constitution and Ethics Committee at their meeting on 28 January 2019 detailing those parish councillors who had failed to send the Monitoring Officer a completed Register of Interests following their election, re-election or co-option.
- 4.2 At that meeting the Committee requested that the Monitoring Officer contacted the relevant councillors to ask why the forms had not been returned or correctly completed.
- 4.3 The Committee also agreed that training be provided for Parish Clerks to better understand the responsibility for completing register of interest forms. Ultimately the responsibility is for each individual councillor to complete the register form.

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 Work continued and the number of councillors with outstanding member interest declarations has been reduced.
- 6.2 The Monitoring Officer has contacted the remaining councillors to discuss completion of the form. A list of those who have not submitted a correctly completed form is contained within Appendix A at the end of this report.
- 6.3 Advice has been given to the relevant clerks on their legal responsibility to publish the members interest declarations on the parish council website (where the parish council has its own website) and maintain a copy for public inspection. It has been suggested to the clerks that the parish council's website could be linked to the Council's website and the members interest declarations displayed from there. At least one parish has taken this up.
- 6.4 Clerks have received the latest revised copy of the declaration form which contains guidance for completion.
- 6.5 The training has been scheduled to take place in the next municipal year and the date for this will be made after the next local elections.
- 6.6 The Peterborough Telegraph reported this matter on 30 January 2019 prompting at least one clerk to get in touch.

7. **REASON FOR THE RECOMMENDATION**

- 7.1 It is a statutory requirement to declare parish council member interests under the Localism Act 2011.

8. **ALTERNATIVE OPTIONS CONSIDERED**

- 8.1 None as this is a statutory requirement.

9. IMPLICATIONS

9.1 Financial Implications

9.1.1 None for the council. If convicted of an offence under the Localism Act a councillor could face a fine of up to £5000.

9.2 Legal Implications

9.2.1 There is a statutory requirement to comply with the Localism Act 2011.

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

<http://www.legislation.gov.uk/ukpga/2011/20/section/34/enacted>

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/240134/Openness_and_transparency_on_personal_interests.pdf

10.2 Report submitted to the Constitution and Ethics Committee 28 January 2019 Agenda Item 8.

11. APPENDICES

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

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