

CONSTITUTION AND ETHICS COMMITTEE	AGENDA ITEM No. 9
8 JULY 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	Tel. 01733 452346

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. Note the number of outstanding Members Interest Declarations. 2. Continue to monitor the situation and report back to the Committee in six months. 3. Should the number of Member Interest Declarations outstanding have been reduced to a nominal level, the committee to consider an annual report in future. 	

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 presented at 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	N/A
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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 and Councillors to better understand the responsibility for completing register of interest forms. Although there was little uptake in the proposed training session scheduled for 10 June this will now be provided at a future Parish Liaison Committee meeting.
- 4.4 Following the recent elections in May there will be elected and re-elected parish councillors who will need to submit a new members interest declaration and it would therefore be anticipated that the number of declarations outstanding may have risen.
- 4.5 The number of declarations outstanding had been greatly reduced as at 30 April 2019.
- 4.6 Parish elections have been held in one ward with uncontested re-elections in seven wards on 3 May 2019 involving 68 parish councillors, all of whom will have to submit new member interest declarations.

The current number of outstanding interest forms as at the end of June is 12. A spreadsheet outlining those outstanding will be circulated in due course to members of the Committee.

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 Continue to request member interest declarations for all those outstanding and newly elected / re-elected parish councillors.
- 6.2 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.
- 6.3 Clerks have received the latest revised copy of the declaration form which contains guidance for completion.

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>

11. APPENDICES

11.1 None.

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