

Committee: STANDARDS COMMITTEE

Agenda Item

Date: 3 March 2014

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Title: Monitoring Officer's Update

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Legal and Monitoring Officer**

Item for information

Summary

1. This report is to update members on activity regarding Standards over the past council year

Recommendations

2. Members note this report

Financial Implications

3. None

Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

None

Impact

- 5.

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|---------------------------------|------|
| Communication/Consultation | None |
| Community Safety | None |
| Equalities | None |
| Health and Safety | None |
| Human Rights/Legal Implications | None |
| Sustainability | None |
| Ward-specific impacts | None |
| Workforce/Workplace | None |

Situation

6. The year so far has been relatively quiet with regard to Standards issues. Members will recall that the Act came into effect for these purposes on 1 July 2012. For the period from that date to the end of that council year (30 April 2013) 5 allegations of a breach of the Code of Conduct were received. Only 1 of those was passed for investigation and that led to a finding of no breach of the Code.
7. Since 1 May 2013 there have been 4 allegations of a breach of the Code. All of these involved district councillors in their capacity as such. No complaints have been made regarding parish or town councillors although I have recently been informed that some may be forthcoming shortly (details of which appear below).
8. With regard to the allegations received 2 were passed for investigation and 2 were not. Of the 2 cases investigated 1 led to a finding of a breach of the Code of Conduct but no sanction was considered necessary. In the other case there was a finding of no breach.
9. In addition to dealing with complaints of alleged breaches of the Code I have had a number of requests for dispensations to permit councillors with pecuniary interests to take part in the debate and vote. All requests for dispensations have come from town or parish councillors.
10. One request was from a parish councillor with a pecuniary interest relating to his employment. He applied on the ground that it was in the public interest or otherwise appropriate for a dispensation to be granted. He did not however offer any explanation as to why either ground applied. I refused the dispensation at first instance and invited further clarification which was not forthcoming. The refusal therefore stood.
11. In another instance a town councillor requested a dispensation in connection with a planning application for a site very near to his home. He said that it was in the public interest for a dispensation to be granted as his constituents had asked him to represent their interests. Given the nature of his disclosable pecuniary interest I did not grant a dispensation giving permission to vote but I did grant a dispensation allowing the councillor to take part in the debate.
12. All members of a parish council applied for dispensations to deal with a particular issue as they all had pecuniary interests. I was satisfied that without dispensations the business of the council would be impeded and therefore granted the whole council dispensations to speak and vote.
13. Very recently I was contacted with a view to granting dispensations to members of another parish council. When first contacted I noted that only 2 of the councillors had registered their interests with me. I indicated that I was not prepared to consider applications from councillors who were in breach of the Code by not having registered their interests. This prompted 3 other councillors to complete their register.

14. I also advised that the interests concerned were pecuniary interests. This advice was challenged by some of the councillors but the circumstances as explained to me were such that the interests clearly were pecuniary as defined by the Code and I maintained my position.
15. I was informed that only 2 members of the council did not have the pecuniary interest concerned. Therefore the business of the council would have been impeded as the council would not have been quorate to consider the matter. However the issue was very controversial and the interest was such that a member of the public with knowledge of the facts would have reasonably considered that the judgment of the public interest by those with the interest would have been prejudiced. I therefore decided to grant no more than 2 dispensations to ensure that in the event that 1 member did not attend the council would be quorate.
16. I granted a dispensation to speak and vote to the first member with the pecuniary interest to apply. Thereafter I was informed that there were in fact 3 members of the council who were not conflicted out of the issue. I therefore declined to issue further dispensations to vote but I did grant others who applied dispensations to enable them to take part in the debate.
17. Apparently at the meeting some members indicated that notwithstanding the advice I had given they intended to vote. The meeting fell into disorder with one councillor allegedly swearing at the public. The chairman called the meeting to an end because of disorder before a vote could be taken on the issue. It is this meeting which may give rise to complaints of a breach of the Code referred to in paragraph 7 above

Risk Analysis

18. There are no risks associated with this report