

Agenda Item No: 7

Report No: 135/17

Report Title: Annual Report on the Establishment and Maintenance of a Register of Interests 2016/2017

Report To: Audit and Standards Committee **Date:** 25 September 2017

Ward(s) Affected: All

Report By: Catherine Knight, Monitoring Officer, Assistant Director of Legal and Democratic Services

Contact Officer

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Purpose of Report:

To confirm that the Register of Interests is being maintained in accordance with the law and Council's Constitution.

Officers Recommendation(s):

To receive and note the Annual Report by the Monitoring Officer.

Reasons for Recommendations

- 1 The remit of the Audit and Standards Committee includes a requirement to consider the Monitoring Officer's Annual Report on the establishment and maintenance of a Register of Interests of Members and Co-opted Members of the Council. The Monitoring Officer has requested that the Annual Report submitted to the Committee also outlines the number and nature of Standards Complaints received in the municipal year 2016/2017.

Information

- 2 Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a Register of Interests of the Members and Co-opted Members of Lewes District Council.
- 3 In accordance with provisions of the Localism Act 2011 and the Council's Code of Conduct, each Councillor is required to complete a Register of Members' Interest form annually in order to maintain an up to date Register of financial and other interests.
- 4 The law and the Council's Code of Conduct also requires each Councillor to register details of any new personal interest or change of any personal interest in writing to the Council's Monitoring Officer within 28 days of becoming aware of any new interest or change of interest. Each Councillor is reminded of their obligation

to inform the Council's Monitoring Officer when they are issued with the form for completion on an annual basis.

- 5 Democratic Services issue each Councillor with a blank form on which Members are asked to register their interests for the current municipal year. Forms were issued to Councillors in June 2017 for the 2017/2018 municipal year. At the time of writing this report, 41 out of 41 Councillors had submitted returns for the current year. Councillors were asked to complete a new form, or indicate any amendments to their existing form or confirm that there were no changes to be made to their current form.
- 6 Returned forms are made public for inspection on the Council's website at <http://lewes.cmis.uk.com/cmis5/Councillors.aspx>. The relevant Register of Interest information is attached to each Councillor's profile. All amendments to existing forms, or confirmation that no changes are to be made to existing interests are also uploaded and published. The Register can also be inspected by contacting the Head of Democratic Services.
- 7 Town and Parish Councillors within Lewes District are also required to complete a Register of Member's Interest form in accordance with their Town or Parish Council's Code of Conduct. The Town and Parish Council clerks forward details of those interests to Democratic Services for publication on Lewes District Council's website at <http://www.lewes.gov.uk/community/2323.asp>
- 8 It is important to note that the responsibility to complete Register of Interest forms and to keep them up to date is a personal responsibility placed on members. Failure to do so is a breach of the Code of Conduct. Furthermore, the Localism Act 2011 defines certain interests as being "disclosable pecuniary interests". Section 34 of the Localism Act makes it a criminal offence for a Member or Co-opted Member to fail, without reasonable excuse, to comply with requirements under the Act to register or declare disclosable pecuniary interests, or to take part in discussions or to vote at meetings without registering his/her interest or disclosing its existence at the meeting during the municipal year 2016/2017.
- 9 The Council has a responsibility to deal with Standards matters for both Lewes District Council and the Town and Parish Councils within the District. The Appendix to this Report contains further statistical information about the complaints received and such action, if any, taken in connection with them.
- 10 Any complaint received by the Monitoring Officer is the subject of consultation with at least one of the Council's two appointed "Independent Persons". Following consultation, the Council's adopted procedure which can be found on the Council's website at [Complaints About Councillors](#), requires the Monitoring Officer to make a decision as to whether the complaint merits formal investigation.
- 11 Relevant extracts from the Council's procedure provide that:

"The Monitoring Officer may decide a complaint does not merit investigation if:

- It is about someone who is no longer a member of the Council
- There has been a long delay before the complaint was made

- The complaint appears to be minor, politically motivated, or not sufficiently serious to warrant further action.
- 12 This list is not intended to be exhaustive and the Monitoring Officer may decide that a complaint does not merit formal investigation for any other reason which appears to him/her to be relevant.
 - 13 The Monitoring Officer has discretion to refer the decision as to whether a complaint merits an investigation to the Standards Panel if it appears appropriate to do so.
 - 14 Where he/she requires additional information in order to come to a decision, he/she may come back to the relevant person for such information, and may request information from the member against whom the complaint is directed. When a complaint made by a person relates to a Town/Parish Councillor, the Monitoring Officer may also inform the Town/Parish Council Clerk of the person's complaint and seek the views of the Town/Parish Council Clerk before deciding whether the complaint merits formal investigation.
 - 15 In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the authority. Where the member or the authority makes a reasonable offer of local resolution, but the complainant is not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.
 - 16 If a complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer is permitted to call in the Police and other regulatory agencies."

Financial Appraisal

- 17 There are no additional financial implications arising from this Report.

Legal Implications

- 18 None over and above those set out in the body of this Report.

Risk Management Implications

- 19 I have completed the Risk Management Checklist, and this Report is exempt from the requirement.

Equality Screening

- 20 I have given due regard to Equalities issues and, as this is an internal Monitoring Report with no key decisions, screening for Equalities is not required.

Background Papers

- 21 Audit and Standards Committee Remit

[Constitution - Part 11 - V10 - V11](#)

Code of Conduct for Members of the Council

[Constitution - Part 5 - L1 - L15](#)

Register of Interests of Members and Co-Opted Members of the Council

[Constitution - Part 5 - M1](#)

Appendices

- 22** Appendix 1 - Standards Complaints about Councillor Conduct Received by Lewes District Council's Monitoring Officer 2016/2017.