

Report to: Audit and Standards Committee

Date: 23 September 2019

Title: Annual Standards report on the Register of Members' Interests and Code of Conduct complaints

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

Ward(s): All

Purpose of report: (1) To confirm that the Register of Members' Interests is being maintained in accordance with the law and Council's constitution; and

(2) To provide a summary of the Code of Conduct complaints for the year 2018/2019.

Officer recommendation(s): (1) To receive and note the annual report by Lewes District Council's Monitoring Officer.

Reasons for recommendations: 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 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 2018/2019.

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- 1 Register of Members' Interests**
- 1.1 Under section 29 of the Localism Act 2011, the Council's Monitoring Officer must establish and maintain a Register of Members' Interests.
- 1.2 Each councillor is required to complete a Register of Members' Interests form annually in order to maintain an up to date register of financial and other interests.
- 1.3 The law and the Council's Code of Conduct require each councillor to notify to the Monitoring Officer within 28 days of becoming aware of any new interest. Each councillor is reminded of this obligation annually by the Democratic Services team.

- 1.4 Register of Interests forms were issued to councillors following the elections in May 2019 for the 2019/2020 municipal year. At the time of writing this report, all councillors have submitted returns for the current year.
- 1.5 Returned forms are made public for inspection on the Council's website at <http://democracy.lewes-eastbourne.gov.uk/mg/MemberIndexGroup.aspx?bcr=1&g=LewesCllrs&m=LewesCllrs>. The relevant Register of Members' Interests information is attached to each councillor's profile. When councillors notify the Monitoring Officer that revisions are needed, these revisions are published online. The Register can also be inspected by contacting Democratic Services.
- 1.6 Town and parish councillors in Lewes district are similarly required to complete a Register of Member's Interests 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 <https://www.lewes-eastbourne.gov.uk/parish-councils/town-and-parish-councils/>.
- 1.7 The responsibility to complete Register of Members' Interests 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.

2 Code of Conduct Complaints

- 2.1 The Council has a responsibility, both for Lewes District Council and the town and parish councils within the district, to deal with allegations that a member has failed to comply with their code of conduct. The appendix to this report contains statistical information for 2018/19 about the allegations received and such action, if any, taken in connection with them .
- 2.2 Any allegation of misconduct the Monitoring Officer receives and validates is the subject of consultation with an Independent Person who has been appointed by the Council for this purpose. 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.
- 2.3 Relevant extracts from the Council's procedure provide that:

The Monitoring Officer may decide a complaint about conduct 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.

2.4 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.

2.5 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.

2.6 Where he/she requires additional information in order to come to a decision, he/she may ask the complainant to supply that 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 complaint and seek the views of the town/parish council clerk before deciding whether the complaint merits formal investigation.

2.7 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.

2.8 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.

3 Financial appraisal

3.1 As none of the misconduct allegations received during 2018/19 required formal investigation, it was not necessary to commission and pay for any external investigators.

The costs incurred by the Monitoring Officer and Deputy Monitoring Officer in managing the standards regime are provided for as part of the Council's legal services budget.

4 Legal implications

4.1 The legal implications are set out in the body of the report.

5 Risk management implications

5.1 This report enables the Audit and Standards Committee to scrutinise the Council's arrangements for maintaining an accurate and up to date register of members' interests and for dealing with allegations of councillor misconduct.

Failing to put proper arrangements in place would be both unlawful and a risk to good governance.

6 Equality analysis

6.1 There are no equality issues arising from this report.

7 Appendices

7.1

- Appendix 1 - Complaints about councillor conduct received by the Monitoring Officer in 2018/2019

8 Background papers

8.1 The background papers used in compiling this report were as follows:

8.2 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 Interest of Members and Co-opted Members of the Council

[Constitution - Part 5 - M1](#)