

BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

From: Monitoring Officer	Report Number: JAC69
To: Joint Audit and Standards Committee	Date of meeting: 22 January 2016

UPDATE ON COMPLIANCE WITH PART 7 OF THE LOCALISM ACT 2011

1. Purpose of Report

- 1.1 To update Members on the measures taken to comply with the requirements within Part 1, Chapter 7 of the Localism Act 2011 since the last update provided to Committee on 17 August 2015.
- 1.2 Chapter 7 of the 2011 Act relates to standards issues and specifically covers in Section 29 the requirement for all Councillors including Parish/ Town Councillors to complete a Register of Interests form.

2. Recommendation

- 2.1 That the measures taken to comply with the requirements within Part 1, Chapter 7 of the Localism Act 2011 be noted.

3. Financial Implications

- 3.1 None directly arising from this report.

4. Legal Implications

- 4.1 Failure to comply with the requirement to complete a Register of Interests form is a criminal offence under Section 34 of the 2011 Act. Such offences may only be prosecuted by or on behalf of the Director of Public Prosecutions.

5. Risk Management

- 5.1 Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
Breach of duties and obligations under the Localism Act 2011	Low	Marginal	Training provided and guidance issued to all Members to explain their requirements under the Code. Introduction of e-forms and provision of training.
Register of interest forms not completed promptly or not return to the Monitoring Officer by all Councillors.	High	Critical	The Councils' Monitoring Officer (and her appointed DMO's) is working with Parish Clerks to ensure that accurate, up-to-date data is being used and impressing upon the Clerks the importance of returning outstanding forms.

6. Consultations

6.1 None.

7. Equality Analysis

7.1 Not relevant to this report.

8. Shared Service / Partnership Implications

8.1 The same procedures and working practices are applied across both Councils.

9. Key Information

9.1 This report identifies the actions to secure full compliance with Chapter 7 of the Localism Act 2011 by:

- (i) Babergh and Mid Suffolk District Councils
- (ii) The Parish/ Town Councils within the Babergh and Mid Suffolk Districts of Suffolk, and
- (iii) The Councillors

9.2 Since 2012, Councils have been operating a Standards regime introduced by the Localism Act 2011. A Local Code of Conduct was adopted across Suffolk and a complaints system has been put in place. As required under the 2011 Act a pool of three “independent persons” have been appointed for two years. Their term of office will end in September 2016. The arrangements appear to be working very effectively. There are however still some outstanding actions in relation to the Register of Interest forms which are listed below.

District Councillors’ Register of Interests

9.3 All Babergh and Mid Suffolk District Councillors have now completed the Register of Interest forms following the local elections on 7 May 2015. All Councillors are aware of the importance of keeping these records up to date and are doing so in a timely fashion.

Parish Councillors’ Register of Interests

9.4 All Parish/ Town Councils within the Babergh and Mid Suffolk Districts of Suffolk were required to complete new Register of Interest forms following the local elections on 7 May 2015. As at 7 January 2016, 97.5% of Parish Councils within the Mid Suffolk District and 96% of Parish Councils within the Babergh District have completed at least one form.

9.5 As at 7 January 2016, 6 Parish/Town Councils identified in the Table below as of yet, have not returned any Registers of Interest forms.

Babergh District	Mid Suffolk District
Copdock and Washbrook	Brundish
Leavenheath	Debenham
Semer	Hinderclay

Publication of Registers

- 9.6 All of the completed District Councils Register of Interests forms have been placed on the Councils' respective websites as required by the Localism Act 2011. All the of the Parish/Town Council Registers of Interest forms received thus far have also been placed on the Councils' respective websites.
- 9.7 With regard to the forms either not received or been fully completed the Monitoring Officer and her deputies will continue to chase up the relevant Parish/ Town Councils.
- 9.8 Members may recall that on the 16th March 2015 a report was presented to this Committee outlining an e-form solution to enable Parish/ Town Clerks to electronically submit Register of Interest forms for their Parish/ Town Councillors.
- 9.9 This was launched with effect from the 7th May 2015 and after some initial technical issues the process overall has been successful. However, not all Parish/Town Clerks have chosen to use the e-form solution. The Monitoring Officer and her deputies will continue to encourage Parish/Town Councils to use the e-form process when submitting Register of Interests.

10. Appendices

10.1 None.

11. Background Papers

11.1 None.

Authorship:

Suki Binjal suki.binjal@baberghmidsuffolk.gov.uk
Head of Legal and Governance & Monitoring 01449 724679/ 01473 825729
Officer

Jonathan Reed Jonathan.reed@baberghmidsuffolk.gov.uk
Senior Solicitor and Deputy Monitoring Officer 01449 724677