

**BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL**

<b>From: Monitoring Officer</b>	<b>Report Number: JAC88</b>
<b>To: Joint Audit and Standards Committee</b>	<b>Date of meeting: 12 September 2016</b>

**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 22 January 2016.
- 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 This report is not linked directly with the Significant Business Risks. The key risks pertaining to this report are set out below:

<b>Risk Description</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Mitigation Measures</b>
Breach of duties and obligations under the Localism Act 2011	Unlikely	Noticeable	Training provided and guidance issued to all Members to explain their requirements under the Code.  Introduction of e-forms and provision of training.

<b>Risk Description</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Mitigation Measures</b>
Register of interest forms not completed promptly or not return to the Monitoring Officer by all Councillors.	Probable	Bad	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 is still some outstanding action required in relation to the Register of Interest forms in respect of a single Parish Council, which is referenced in the table at 9.5 below.

### District Councillors' Register of Interests

9.3 All Babergh and Mid Suffolk District Councillors have 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 26 August 2016, 100% of Parish Councils within the Mid Suffolk District and 99% of Parish Councils within the Babergh District have completed at least one form.
- 9.5 As at 26 August 2016, 1 Parish Council identified in the Table below as of yet, has not returned any Register of Interest forms.

<b>Babergh District</b>	<b>Mid Suffolk District</b>
Wherstead	

## 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 Council.

## **10. Appendices**

- 10.1 None.

## **11. Background Papers**

- 11.1 None.

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