



REPORT OF:	The Monitoring Officer
TO:	Standards Committee
DATE:	7th December 2016

SUBJECT: Consideration of an Issue Raised by a Parish Councillor.

1. PURPOSE OF THE REPORT

To seek the views of the Committee on an issue raised by a Parish Councillor on a dual hatted issue.

2. RECOMMENDATIONS

The Committee is asked to consider the issues raised by the Parish Councillor and consider what guidance they would give on the issue.

3. BACKGROUND

The Committee has previously considered the issue of dual hatted roles of members and issued guidance for members. This guidance has been disseminated to Councillors and Parish and Town Councillors and has clarified a number of issues. One issue has however been highlighted that the committee may feel worth considering as a case study and of benefit of a considered view. The issue has been highlighted as follows (and is repeated with the approval of the member)

As a Parish Councillor I recently declared all my interests with yourself and stated I was a Trustee at the Barlow Institute at Edgeworth - a registered charity I have been approached by the Trustee Boards chairman to be the Treasurer of this Charity but due to the nature of my past work with the Dept. of Work & Pensions I have declined as for a number of years I cannot hold a position of wages / treasurer role, but I am willing to check the financial correctness of the record keeping and the financial activities of the Charity to ensure they comply with tax/ National insurance /Vat etc regulations The Barlow institute roof is urgently in need of repair and is hoping to obtain Heritage Lottery Fund (HLF) funding off around £2 million to complete the work The HLF has cast doubt on aspects of the Charities governance which may / may not prevent the success of the HLF bid

There is a potential conflict of interests looming as The Parish Council sought public opinion and could choose impose a council tax precept on the residents of Turton to raise funds to pay for the Barlow Institutes roof, however from what I see currently I have concerns that the governance issues can be resolved

I have spoken to the Board's chairman and told him that I cannot be a hands on Treasurer at this time and if someone does the imputing and cash handling I would check on the accuracy of the data and I would contact yourself and obtain guidance on my position as a Councillor and also being responsible for the Tax / Nics / Vat accuracy and the financial procedures of this Charity The Board Chairman has agreed to wait until after the New year to see what happens but I would welcome your advice

4. RATIONALE

The Code of Conduct for Members is included in the Constitution and provides the framework for the standards required and actions to be taken when declaring any members interests.

5. LEGAL IMPLICATIONS

It is a criminal offence if, without a reasonable excuse, a member fails to tell the Monitoring Officer about his/her disclosable pecuniary interests, either for inclusion on the register if a newly elected, co-opted or appointed member, or to update the register if re-elected or re-appointed, or when he/she becomes aware of a disclosable pecuniary interest which is not recorded in the register but which relates to any matter, that will be or is being considered at a meeting where he/she is present, or on which he/she is acting alone.

It is also a criminal offence to knowingly or recklessly provide false or misleading information, or to participate in the business of your authority where that business involves a disclosable pecuniary interest. It is also a criminal offence to continue working on a matter which can be discharged by a single member and in which a member has a disclosable pecuniary interest. A member found guilty of such a criminal offence, could be fined up to £5,000 and disqualified from holding office as a councillor for up to five years.

The statutory provisions for the Standards Framework are set out in the Localism Act 2011.

6. POLICY IMPLICATIONS

The Code of Conduct for Members is included in the Constitution and provides the framework for the standards required and actions to be taken when declaring any members interests

7. FINANCIAL IMPLICATIONS

None contained in this report.

8. CONSULTATIONS

None.

Chief Officer/Member

Contact Officer:

David Fairclough, Monitoring Officer.

Date: 10th October 2016

Background Papers:

The Localism Act 2011