



Basingstoke and Deane

BASINGSTOKE AND DEANE BOROUGH COUNCIL **DECISION NOTICE**

DECISION NOTICE

Reference: 044747/AGR

Complainant: Mr J Grainger

Subject Member: Cllr C Sanders

On 4th September 2018, the Deputy Monitoring Officer and an Independent Standards Assessor considered a complaint from the complainant concerning an alleged breach of the code by the Subject Member. An informal settlement was suggested and following correspondence with the complainant to try to resolve the complaint and prevent similar issues arising, the Independent Person was consulted in the 24th October concerning an informal settlement. On the 31st October the Complainant having been consulted on the informal settlement requested the draft decision notice for review. There is no provision in the arrangements for complainants to comment upon a draft decision letter and this decision is the final decision under paragraph 5.6 of the arrangements.

A general summary of the complaint is set out below:

The complaint has two elements. Firstly, that the Subject Member had not properly declared his interests in the register of interests, and secondly, that he had not declared his council allowances on this declaration of interest form in accordance with the Council decision in March 2018.

On the 7th August the Complainant clarified that his complaint related to a discrepancy between the Subject Members declaration of interest form as compared to his webpage on the council's website in that the Subject Members appointments to outside bodies were not included within the declaration of interest form.

Decision

In accordance with the Arrangements for dealing with complaints against Councillors, the Subject Member inadvertently committed a technical breach of the Code of Conduct by not keeping his register of interests up-to-date. The Subject Member has updated his

declaration of interest and there is no need for any further action or any sanction in relation to this element of the complaint.

The non-disclosure of the Subject Members council allowances did not amount to a breach of the Code.

Reasons for decision

The Subject Member had included his appointment to outside bodies on his web page but had not revised his declaration of interest form. Under paragraph 12 of the Code of Conduct the Subject Member should have notified the Monitoring Officer of any changes to his declaration of interest within 28 days of becoming aware of the changes.

Whilst the subject member did not include details of his appointment to outside bodies on his declaration of interests form, nonetheless any member of the public viewing his Council webpage would have been fully appraised of the totality of his interests as these appointments are listed under Appointments to outside bodies section. There were no omissions when the webpage is viewed together with the declaration of interest form.

The Complainant requested that the Subject Member complete a new declaration of interest form which he did on the 15th of August and this appears on his webpage. This complaint has led to a review within the Council's Democratic Service of member's declarations of interests to ensure that they are all complete and up-to-date. Whilst members have a duty under the Code to keep their declarations of interest up-to-date, it is useful if officers periodically remind them of this and install an online system through the Mod Gov system to make revisions to the declarations easy and user friendly.

The Subject Member did not have his member's allowances upon his declaration of interest form. The Subject Member has now added his councillor allowances to his declaration of interest form. A number of other councillors also didn't make this change to their declaration of interest form. The Council's Democratic Service has undertaken work to encourage all councillors add this to their declarations. This said, the minutes on the report "Dispensation for all Elected Members" of March 2018 show that the resolution was to "encourage all members to revise their declaration of interests form as soon as possible". The recommendation was not mandatory but discretionary, and the report itself makes clear that there is conflicting legal opinion as to whether members allowances are discloseable pecuniary interests. Thus the omission did not breach the Code of Conduct

This decision notice is sent to the person making the allegation and the Member against whom the allegation was made

Right of Appeal

There is a right of Appeal to the Monitoring Officer within 10 working days of the date of this notice

Additional Help

If you need additional support in relation to this or future contact with us, please let us know as soon as possible. If you have difficulty reading this notice we can make

reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.


We can also help if English is not your first language.

Access to the complaints process

Certain groups of customers may find it more difficult to make a complaint for example due to English not being their first language, sight impairment etc. It is our duty to assist the complainant in gaining access to the complaints procedure but we must not make the complaint for them or misrepresent their complaint. The Council do not insist that a complaint is made in writing, particularly where this would hinder an individual in making their complaint.

The following services are available to assist customers in making their complaint.

- Translation
- Interpreting
- Braille/Large Print
- Minicom
- Text
- Online form

Signed  Date 25th January 2019

Ann Greaves
Monitoring Officer

