



# South Neighbourhood Panel Update

March 2013

## East Cambridgeshire District Council – Action Updates:

### Priority:

Priority - ECDC Members Code of Conduct – clearer advice required	
<b>Objective</b>	Concerns about codes of conduct / declaration of interests (see letter from Bottisham PC) – rules different for everyone. Question asked why officers don't have to declare an interest.
<b>Action Taken</b>	<p>Employees at ECDC have their own Code of Conduct and are required to make declarations to the Monitoring Officer on gifts/ hospitality and interests in contracts, which are kept on a register as required in their Code. The different rules that apply are different, because the legal requirements introduced under the Localism Act 2011 and Regulations applied to elected and co-opted Councillors, not Officers.</p> <p>With respect to the Code letter – see response from the Chief Executive attached. The requirements are legal ones imposed under the Localism Act 2011 and Regulations issued by the Secretary of State for the Department of Communities and Local Government.</p>
<b>Current Situation</b>	The Head of Legal and Democratic Services, ECDC raised this issue and the Parish resignations with the Secretary of State with responsibility for this matter, the Rt. Hon. Eric Pickles, (back in November) and received a response from the DCLG at the end of January 2013. The response states that the Government sees the requirement to disclose spouse/ partners interests and put these on the District Council's website as reasonable requirements that they <b>do not</b> intend to change.
<b>Continue or Discharge</b>	Discharge

### Other Issues:

No.	Issue	Action Taken
1	Understanding of how the precept is calculated and how much should ask for – guidance not helpful. ECDC to call Chair of Stetchworth P.C. (Mrs. Whymer)	Linda Grinell, Head of Finance has sent out 3 separate letters regarding this issue to Parish Councils along with a spreadsheet showing how much funding each parish will receive. Tony Grzybek , Principal Accountant contacted Mrs Whymer and confirmed that figure in the final column of the spreadsheet is the amount that each parish will receive <b>in addition to</b> the precept that they ask for. Mrs Whymer confirmed via return of e-mail that she was able to speak to someone at East Cambs. [District Council] about the query before the Parish Council meeting on 15th January and the council was able to discuss and set the precept.

### Current Issues and Information:

None
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# Fly Tipping Reports and Enforcement Actions 2012/13

## South Neighbourhood Panel

Parish/Village	Reported Fly Tips											Total	
	Apr	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.		March
Ashley	0	0	0	0	0	0	0	0	0	0	0	0	0
Bottisham	0	0	0	0	0	0	1	0	0	0	0	0	1
Brinkley	0	0	2	0	0	0	0	0	0	0	0	0	2
Burwell	0	0	0	1	1	4	3	1	2	1	0	0	13
Burrough Green	0	0	0	0	0	0	0	0	0	0	0	0	0
Cheveley	1	0	0	0	0	0	0	0	0	0	1	0	2
Dullingham	0	0	0	0	1	0	0	0	0	0	0	0	1
Kirtling	0	1	1	0	0	2	1	0	0	0	0	0	5
Lode	0	0	0	0	0	0	0	0	0	0	0	0	0
Newmarket	0	0	0	0	0	0	0	0	0	0	0	0	0
Reach	0	1	0	0	0	0	0	0	0	0	1	0	2
Saxon Street	0	0	0	0	0	0	0	0	0	0	0	0	0
Six Mile Bottom	0	0	0	0	0	0	0	0	1	0	0	0	1
Stetchworth	0	0	1	0	2	1	2	0	1	0	0	0	7
Swaffham Bulbeck	0	0	0	2	1	0	0	0	0	0	1	0	4
Swaffham Prior	0	0	1	2	0	0	1	1	0	1	0	0	6
Upend	0	0	0	0	0	0	0	0	0	0	0	0	0
Westley Waterless	0	0	0	0	0	0	0	0	0	0	0	0	0
Woodditton	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Month total</b>	<b>1</b>	<b>2</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>8</b>	<b>7</b>	<b>3</b>	<b>3</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>44</b>

## Total Fly Tipping Reports in East Cambridgeshire

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
<b>2012/13</b>	26	24	27	25	25	13	22	19	8	20			
<b>2011/12</b>	27	23	23	25	28	38	43	30	32	54	0	0	0
<b>2010/11</b>	47	15	35	31	33	16	28	20	19	18	30	28	320
<b>2009/10</b>	41	20	24	39	17	40	24	35	32	27	32	57	388
<b>2008/09</b>	42	19	30	37	32	30	50	28	18	47	29	37	399

**Fly Tipping Enforcement Actions 2012/13  
(District)**

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Investigation	27	16	33	32	42	31	31	28	20	37			297
Warning letter	0	0	1	0	0	0	0	0	0	1			2
Statutory Notice	0	0	1	0	0	0	0	0	0	0			1
Fixed Penalty Notice	0	1	0	0	0	0	0	0	0	0			1
Duty of Care Inspection	3	0	1	1	1	0	14	9	0	0			29
Stop & Search	7	1	1	0	0	9	0	0	0	0			18
Formal Caution	0	0	0	0	0	0	0	0	0	0			0
Formal Caution With Costs	0	0	0	0	0	0	0	0	0	0			0
Prosecution	0	0	0	0	0	0	0	0	0	0			0

**Fly Tipping Enforcement Actions 2011/12  
(District)**

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Investigation	32	17	21	27	42	37	61	53	38	74	33	57	492
Warning letter	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Notice	0	0	0	0	0	0	0	0	0	0	0	0	0
Fixed Penalty Notice	0	0	0	0	0	0	0	0	0	0	0	0	0
Duty of Care Inspection	2	3	2	0	3	2	2	2	0	0	0	1	17
Stop & Search	0	0	1	5	0	0	2	0	0	0	5	10	23
Formal Caution	0	0	0	0	1	1	0	0	0	0	0	0	2
Formal Caution With Costs	0	0	0	0	0	0	0	0	0	0	0	0	0
Prosecution	0	0	0	0	0	0	0	0	0	0	0	0	0
Fly Tipping Enforcement Options													

- Investigation Inspection of fly tip for evidence that could lead to enforcement action being taken, together with related enquiries.
- Warning letter Used where formal enforcement action is not considered appropriate as a warning of the potential consequences of further infringements.
- Statutory Notice A legal requirement to provide information that will assist with investigation of an offence.
- Fixed Penalty Notice Agreement to accept a standard penalty fee as an alternative to formal legal action.
- Duty of Care Inspection Check that a business has correct arrangements in place for the storage, transport and disposal of its waste.
- Stop & Search Check on vehicle carrying waste for waste carriers licence and waste disposal documentation.
- Formal Caution An offender having admitted an offence is formerly cautioned by the Head of Service. A record is kept of the Caution for 5 years.

Formal Caution With Costs  
Prosecution

As Formal Caution, but investigation and clear up costs are charged to the offender.  
Formal prosecution through the Court System.

## Dog Fouling Reports 2012/13

### South Neighbourhood Panel

Parish/Village	Fouling Reports												Total
	Apr	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	
Ashley	0	0	0	0	0	0	0	0	0	0	0	0	0
Bottisham	0	0	0	0	0	0	0	0	0	0	0	0	0
Brinkley	0	0	0	0	0	0	0	0	0	0	0	0	0
Burwell	1	2	1	0	3	0	1	0	2	0	0	0	10
Burrough Green	0	0	0	0	0	0	0	0	0	0	0	0	0
Cheveley	0	1	1	0	0	0	2	0	0	0	0	0	4
Dullingham	0	0	0	0	0	0	0	0	0	0	0	0	0
Kirtling	0	0	0	0	0	0	0	0	0	0	0	0	0
Lode	0	0	0	0	0	0	0	0	0	0	0	0	0
Reach	0	0	0	0	0	0	0	0	0	0	0	0	0
Stetchworth	0	1	0	0	0	0	0	0	0	0	0	0	1
Swaffham Bulbeck	1	0	0	0	0	0	0	0	0	0	0	0	1
Swaffham Prior	0	0	0	0	0	0	0	0	0	0	0	0	0
Westley Waterless	0	0	0	0	0	0	0	0	0	0	0	0	0
Woodditton	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Month total</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>16</b>

### Total Dog Fouling Reports in East Cambridgeshire

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
<b>2012/13</b>	<b>7</b>	<b>7</b>	<b>7</b>	<b>4</b>	<b>8</b>	<b>12</b>	<b>9</b>	<b>8</b>	<b>18</b>	<b>16</b>			
<b>2011/12</b>	<b>5</b>	<b>4</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>6</b>	<b>4</b>	<b>12</b>	<b>10</b>	<b>24</b>	<b>0</b>	<b>0</b>	<b>67</b>
<b>2010/11</b>	<b>4</b>	<b>7</b>	<b>7</b>	<b>8</b>	<b>4</b>	<b>5</b>	<b>9</b>	<b>8</b>	<b>13</b>	<b>19</b>	<b>21</b>	<b>12</b>	<b>117</b>
<b>2009/10</b>	<b>2</b>	<b>4</b>	<b>1</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>7</b>	<b>3</b>	<b>8</b>	<b>11</b>	<b>14</b>	<b>9</b>	<b>64</b>

## Cambridgeshire County Council – Action Updates:

**Priorities: None Identified**

### Other Issues:

Number	Issue	Action Taken
1	30 mph limit in Ashley has not solved speeding probs. Pedestrian crossing needed to get children and older people across the main road. £15/16/20K est! – very expensive. How can get a more definite figure? Estimates vary. – need accurate and reliable quote – CCC highway engineer to quote.	<p>The Local Highway Authority (LHA) certainly understands the difficulty but, unfortunately, it is not able to develop a more accurate estimate without preparing a detailed design and then obtaining quotations for the necessary work involved; the most difficult and variable of which is normally the electricity supply from UK Power Networks.</p> <p>Officers of the LHA do their best on a day-to-day basis through direct dialogue to give the best advice and be as accurate as possible; however, the Local Highway Authority simply does not possess the resources to work-up accurate cost estimates for schemes that are not yet committed, without impacting upon already agreed programmes of work.</p>
2	ASB issues in Bottisham – no provision for young people aged 12-16 in the village	A response is currently being formulated by the County Council's Locality Team and will be reported at the panel meeting
3	Speed limit reduced from 40 to 30 in Dullingham. Only if paid for by others – not the County Council. Why does CCC charge when other councils don't?	<p>The Local Highway Authority (LHA) has done as much as it reasonably can to support the existing speed limit and any further reduction would likely require the installation of physical engineering features.</p> <p>The LHA does not have a mandate to reduce speed limits and/or install speed reduction measures on road safety grounds.</p> <p>A number of local councils have submitted bids to the LHA under the Local Highways Improvements scheme for speed limit reductions and there is no reason why Dullingham could not submit such a bid. Even if such a bid were submitted and were successful, it is likely that there would be a significant shortfall for the community to make up in addition to the minimum contribution (of 10% of the scheme cost).</p> <p>In respect of policy, different authorities are having to take different approaches depending upon their resource availability and priorities. It is recognised that this can appear frustrating to communities which are situated close to boundaries of different administrative authorities - where they may take a differing approach.</p>
4	Can Heath Road in Swaffham Bulbeck be salted right through to old A11 road. It is	The Local Highway Authority undertakes an annual review of performance and routing to ensure delivery of the best service practicable.

well used.	<p>This road is treated when forecasts predict ongoing sub zero temperatures but, as it is not a service bus route, it does not meet the criteria for inclusion as one of the higher priority regularly treated routes.</p> <p>There are, of course, other regularly treated routes people can use (B1102, A1303 etc), albeit they may require motorists to make a longer journey. The reality is that the County Council is unable to treat any more roads than it does currently without something else giving; that is the purpose of the annual review - to make sure that the council keeps up-to-date with changes in circumstances.</p> <p>If a local community feels that the Local Highway Authority (LHA) has got it wrong and wishes to write formally to the LHA explaining why this is so, those comments could be taken into account as part of the annual review.</p>
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### Current Issues:

#### 1. County Council upgrades highway fault reporting system

People wanting to report a problem with the roads across Cambridgeshire will now find it easier thanks to improvements put in place by the County Council. The changes have been made following consultation with the public on the way they prefer to report potholes and other highway problems. The online Highways Fault Reporting System has been upgraded to provide:

- \* Easier data entry for the public
- \* Improved tracking so people reporting on-line can follow progress of a repair
- \* The ability to enter a second fault without the need to re-enter personal/contact details
- \* Better system capacity to ensure fault reports do not fail
- \* Better on-line access to advice and information from the County Council's Contact Centre.

The County Council is committed to keeping the roads across Cambridgeshire in as good a condition as possible and has committed £90m of extra funding to highways maintenance.

The improvements to the Highway Fault Reporting System are designed to make it easier for the public to report a concern or a fault, which will then be dealt with as quickly as possible by the County Council's repair teams throughout Cambridgeshire.

To report a highways fault, go to: [www.cambridgeshire.gov.uk/transport/roads/reportingafault.htm](http://www.cambridgeshire.gov.uk/transport/roads/reportingafault.htm) or telephone the Contract Centre on 0345 045 5212.

Between the beginning of December 2012 and the end of January 2013, more than 600 potholes across Cambridgeshire have been reported and repair work to fix them ordered by the County Council highway teams.

## **Sanctuary Housing – Action Updates:**

**Priorities: None set**

**Other Issues: None identified**

**Current issues:**

### **The Government is reducing the amount of housing benefit some people can claim.**

If you claim housing benefit to help pay your rent you may be affected by changes from April 2013. The changes mean that some people will get less housing benefit than they did before.

From April 2013, if you live in a council or housing association home and you have one or more 'spare' bedrooms your housing benefit may be reduced.

This could affect you:

- if you are 16 to 61 years old
- even if you only get a small amount of housing benefit – for example, if you are working
- even if you are sick or disabled

You won't be affected if:

- you live in a one bedroom flat or bedsit, or if
- you or your partner are old enough to receive pension credits.
- In April 2013 the pension credit age will be around 61 years and 6 months

The new benefit rules will apply from April 2013, so now is the time to get help and support.

### **What is a 'spare' bedroom?**

Under the new rules if you have more bedrooms than the Government says you need, you will lose part of your housing benefit. The new rules mean you will be allocated one bedroom for:

- each adult couple
- any other person aged 16 or over



- two children of the same sex under the age of 16
- two children under the age of 10 regardless of their sex
- any other child
- a carer (who does not normally live with you) if you or your partner need overnight care.

It does not matter how the 'spare' bedroom is used, the new rules will apply even if:

- you and your partner need to sleep apart because of a medical condition
- the main residence of your children is another address, but you have a spare room for when they stay with you.

### **What happens if you have a 'spare' bedroom?**

If you have one 'spare' bedroom your housing benefit will be cut by 14% of the rent you pay every week. If you have two or more spare bedrooms, you will lose 25%. If your benefit is cut you will have to pay your landlord the difference between your housing benefit and your rent.

### **Limit on benefits**

From April 2013, the overall amount of benefit you can receive will be capped. The Government will add up how much money you get from a range of benefits, including: housing benefit, jobseeker's allowance, employment support allowance, child benefit, child tax credit and carer's allowance.

If the total comes to more than the maximum amount allowed your housing benefit payments will be reduced.

### **The maximum amount of benefit you will be able to receive from April 2013 will be:**

- £500 per week for single parents
- £500 per week for couples with or without children
- £350 per week for single people without children.

### **This will not apply to you if:**

- you get pension credit or working tax credit
- a member of your household is claiming disability living allowance, attendance allowance or the support element of employment support allowance.

If you are worried about being able to afford to pay your rent from April 2013 you should ask for advice now. If you don't pay your rent you could lose your home, so talk to your landlord about different ways to pay. You can also:

- Talk to your landlord about transferring to a smaller home or taking in a lodger
- Contact your council to ask about extra financial help. Councils have a limited amount of money available to make discretionary payments towards housing costs. Your council may prioritise your claim if you have a disability and your house has been adapted.
- Get in touch with your local citizens advice bureau ([www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)) or other local advice agencies
- Make sure you are claiming all the benefits you can – for example, money to help with the costs of a disability
- Try to find some paid work to increase your income
- Get more information about the cap on benefits by calling the Government's information line on 0845 605 7064.

**Do you have a disability and need overnight care?**

If you are of working age, have a disability and need a 'spare' bedroom so that a carer can stay overnight you should contact your local council now so that staff can help you keep more of your housing benefit.

**Changes to council tax benefit**

From April 2013, if you are of working age and claim council tax benefit, the amount of support you receive may be cut. This is because the Government is reducing the amount of money available and asking local councils to run their own schemes, which may vary from area to area. Contact your local council for details.

If you have any questions about the information in this leaflet you can talk to your:

- Landlord
- local council
- citizens advice bureau
- local advice agency.

## East Cambridgeshire Local Policing Team – Action Updates:

### Priorities:

Priority - Speeding and parking issues ongoing throughout the Panel area										
<b>Objective</b>	To reduce speeding and illegal parking throughout the Panel area.									
<b>Action Taken</b>	<p>23 speed checks carried out by local officers over 6 weeks at various locations:</p> <table border="0"> <tr> <td><u>Burwell</u> Ness Road Swaffham Road</td> <td><u>Bottisham</u> High Street</td> <td><u>Dullingham</u> Stetchworth Road Station Road Brinkley Road</td> </tr> <tr> <td><u>Brinkley</u> High Street</td> <td><u>Burrough Green</u> High Street</td> <td><u>Newmarket</u> New Cheveley Road</td> </tr> <tr> <td><u>Ashley</u> High Street</td> <td><u>Cheveley</u> Park Road High Street</td> <td></td> </tr> </table> <p>3 speeding offences revealed and letters sent to the registered owners of the vehicles.</p> <p>44 parking tickets issued for a number of different parking offences over the panel area.</p> <p>Some discussion in the local press about parking enforcement in Soham.</p> <p>4 out of date tax disc notifications sent to DVLA.</p>	<u>Burwell</u> Ness Road Swaffham Road	<u>Bottisham</u> High Street	<u>Dullingham</u> Stetchworth Road Station Road Brinkley Road	<u>Brinkley</u> High Street	<u>Burrough Green</u> High Street	<u>Newmarket</u> New Cheveley Road	<u>Ashley</u> High Street	<u>Cheveley</u> Park Road High Street	
<u>Burwell</u> Ness Road Swaffham Road	<u>Bottisham</u> High Street	<u>Dullingham</u> Stetchworth Road Station Road Brinkley Road								
<u>Brinkley</u> High Street	<u>Burrough Green</u> High Street	<u>Newmarket</u> New Cheveley Road								
<u>Ashley</u> High Street	<u>Cheveley</u> Park Road High Street									
<b>Current Situation</b>	Parking and speeding will be something that the police need to enforce on a regular basis and is part of daily business.									
<b>Continue or Discharge</b>	Continue									

<b>Priority - ASB Swaffham Bulbeck - intimidation</b>	
<b>Objective</b>	ASB issues. Vandalising certain areas. Scared of youths, scared to contact police. Pound Way and village green 'the denney' (vandalism)
<b>Action Taken</b>	Regular patrols by local staff. A number of youths have been stopped and spoken with and ASB and its effects explained. No recent calls for service although patrols have continued. There has only been one report of ASB during this period (in mid Jan 2013), which arose from an argument following a football going over a hedge into a private garden. An assault involving local youths is being dealt with by local officers, and the offender should be dealt with this week.
<b>Current Situation</b>	No known issues at this time.
<b>Continue or Discharge</b>	Discharge

#### Other Issues:

<b>Number</b>	<b>Issue</b>	<b>Action Taken</b>
1	Parking issues in Bottisham – vehicles parking on double yellows and pavement (around 2-4 Tunbridge Lane). Especially mornings and evenings.	Parking issues in Bottisham – vehicles parking on double yellows and pavement (around 2-4 Tunbridge Lane). Especially mornings and evenings.
2	Tea time parking problems around the village college, Bottisham. Cars sometimes have to drive on pavement to get around each other (seems to be worse on a Monday evening during term time, 5pm)	Tea time parking problems around the village college, Bottisham. Cars sometimes have to drive on pavement to get around each other (seems to be worse on a Monday evening during term time, 5pm)
3	Keep up random speed checks in Brinkley due to speeding problems – particularly mornings and evenings	Keep up random speed checks in Brinkley due to speeding problems – particularly mornings and evenings
4	Request for police foot patrols in Burwell, rather than just vehicle patrols evenings	Request for police foot patrols in Burwell, rather than just vehicle patrols evenings around the takeaway.

	around the takeaway.	
5	Parking issues around takeaway in Burwell, Parsons Lane and outside bank and building society.	Parking issues around takeaway in Burwell, Parsons Lane and outside bank and building society.
6	Speeding in Burwell – Ness Rd, Newmarket Rd.	Speeding in Burwell – Ness Rd, Newmarket Rd.
7	Double yellow lines around Burwell post office (already there) but need to be extended and enforced.	Double yellow lines around Burwell post office (already there) but need to be extended and enforced.
8	Speeding concerns in Kirtling and Upend – occasional police presence wanted, especially when people travelling to and from work (especially as just gone from 40 to 30 mph)	Speeding concerns in Kirtling and Upend – occasional police presence wanted, especially when people travelling to and from work (especially as just gone from 40 to 30 mph)

### **East Cambs South Area Emerging Issues:**

- **Dwelling Burglaries in the South Neighbourhood**
- **Shed/Garage Burglaries in the South Neighbourhood**



## Fire Service data

Month	Ward	Is Primary Fire	Is Derelict	Is Chimney Fire	Property Category	Property Type	Is Property Regulated	Cause
Nov	Bottisham	yes			Vehicle	Car		Accidental
Dec	Burwell	yes			Domestic	House		Accidental
Dec	Swaffham	yes			Vehicle	Car		Accidental
Nov	Cheveley	No				Rubbish		Accidental



# EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE  
ELY, CAMBRIDGESHIRE CB7 4EE

Telephone: Ely (01353) 665555

DX41001 ELY Fax: (01353) 665240

[www.eastcambs.gov.uk](http://www.eastcambs.gov.uk)

Mrs C Fullwood  
Clerk to Bottisham Parish Council  
26 Peacock Drive  
Bottisham  
Cambridge  
CB25 9EF

*This matter is being dealt with by:*

John Hill

Telephone: 01353 665555

E-mail: [John.hill@eastcambs.gov.uk](mailto:John.hill@eastcambs.gov.uk)

My Ref:

Your ref JH/ls/letts/SL/Fullwood

9 January 2013

Dear Mrs Fullwood,

I write with reference to your letter dated 18 December – and apologise for any delay in responding (such delay being a result of the Christmas leave period/ and the necessity to liaise with the Monitoring Officer).

I note that you refer to the “new Code of Conduct” and the disclosure of Pecuniary Interest, which you state Councillors at Bottisham have found confusing and apparently one of your Councillors has been advised legally not to sign his Register of Interests form. You have not, however, provided a copy of any such advice. Your Councillors have asked you to express concerns regarding the Code and lobby Central Government on this matter – and whilst you have forwarded a copy of your letter to the Rt Hon Sir James Paice MP, you do not appear to have sent a copy/ or lobbied the Department of Communities and Local Government (‘DCLG’) – or its Secretary of State, the Rt Hon Eric Pickles.

Having considered your letter with the Monitoring Officer, I must set out the following:

- a) The duty to disclose/ register and include Pecuniary Interests in a Code of Conduct is a statutory duty under section 28-31 of the Localism Act 2011. The Disclosable Pecuniary Interests are those listed in Regulations issued by the Secretary of State for the DCLG (Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012). Bottisham Parish Council therefore has a legal duty to adopt a Code that includes provisions dealing with disclosable Pecuniary Interests. I understand that the Monitoring Officer has sent a number of emails to Town and Parish Clerks explaining the position (most recently in an email to you dated 21 December 2012), and together with staff and elected Members, provided training across the District on this and related issues.

Whilst you state that this *now* brings Parish Councillors on an equal footing with salaried Local Government Officers and County, Town and District Councillors, the actual position is that Parish Councillors were formally obliged to comply with the Model Code for Parish and Town Councillors, which was the same as the Model Code obligations placed on County and District Councillors. Therefore Parish Councillors were previously on an equal footing and the new requirements continue that precedent. The interests that need to be disclosed are effectively the same as before, except that a spouse or partner's interests would now have to be registered also. I would point out that previously if a spouse or partner's interests affected by a Council decision, then these should have been declared at any Parish Council meeting. The main difference under the Localism Act is



therefore the registration of spouses or partners interests and criminal sanctions for failures to disclose or registers these Disclosable Pecuniary Interests.

Please note that Local Government Officers have different obligations and are not bound by this Localism Act code requirements – as they have their own contractual obligations and codes to follow.

b) The warnings given to all Councillors at the end of the ECDC version of the Code, are the same given to District Councillors and are to inform and protect the Councillors' position. It is not accepted that these are "autocratic" or vague/ too onerous. They are worded in a way that should be understandable by all Councillors/ Clerks and Officers and have been included on the advice/ template provided by a leading legal authority (Mr Peter Keith-Lucas of Bevin Brittan Solicitors). The wording states:

c)

*"It is a criminal offence to*

- *Fail to notify the Monitoring Officer of any Disclosable Pecuniary Interest within 28 days of election*
- *Fail to disclose a Disclosable Pecuniary Interest at a Meeting if it is not on the register*
- *Fail to notify the Monitoring Officer within 28 days of a Disclosable Pecuniary Interest that is not on the register that you have disclosed to a Meeting*
- *Participate in any discussion or vote on a matter in which you have a Disclosable Pecuniary Interest (without a dispensation)*
- *Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a Disclosable Pecuniary Interest or in disclosing such interest to a Meeting*
- 

*The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a Councillor for up to 5 years."*

These reflect the legal offences under section 34 Localism Act 2011. Bottisham Parish Council was not obliged to adopt the ECDC version of the Code of Conduct, which included such warnings; however, for the reasons stated it was felt prudent to include such warnings in the ECDC version of the Code and they shall remain until or unless the legal position changes/ Code if formally reviewed by this Council. The Parish Council may remove such warnings from its version of the Code by formal resolution – but note that this will not change the legal requirements imposed or possible criminal sanctions that would apply.

d) The District Council has put copies of the District Councillors' Register of Interests forms on its website for in excess of 7 years and thankfully not experienced issues with fraud. However, this has now a legal requirement under the Localism Act 2011 – as the Monitoring Officer is obliged under section 29(5) and 29(6) to secure copies of District and Town/ Parish Councillors Registers on the District Council's website. Parish Councils are also legally obliged to put these on their website if they have one, under section 29(7). I understand that this has been explained in numerous emails to Town and Parish Councils over the last 7 months and the Parishes' obligations covered by a link to the District Council's website to avoid unnecessary duplication of efforts. The Monitoring Officer and all Councils must therefore comply with this legal duty.

Whilst the legal requirement to register interests relating to spouses/ partners is a new one under the Localism Act 2011, this is something that the District Council has no power to change. This is a matter for Central Government.

In terms of Parish Councillors not wishing to continue with the role if they have to disclose interests – that is very unfortunate. Nevertheless, the duty to disclose interests (including those relating to spouse/ partners or indeed friends and family) is one that has been in place for Parish and Town Councillors for a number of years. Their Registers were kept by the District Council – not as private records, but as public records that could be inspected. Parish and Town Councils were equally obliged to hold such Registers as public documents for inspection.

Over the past year the Monitoring Officer has communicated the changes to Town and Parish Councils and representations have been made through professional bodies to the DCLG about the changes affecting all Councillors. Most recently the Monitoring Officer has raised this issue in a letter to the DCLG dated 27 November 2012, specifically on the issue of Parish Councillor resignations on the basis of these new requirements and necessity of the District to appoint further Parish Councillors under a Council order. However, it is understood anecdotally that the DCLG has no appetite for further changes to these legal requirements. Should the Parish Council therefore wish to take this further, they are advised to do so by contacting the Secretary of State, at the DCLG.

In the meantime your Councillors are strongly advised to comply with the legal requirements imposed under the Localism Act 2011, as failure to do so could result in criminal sanction and/ or complaints having to be dealt with under the Councillor complaints system.

Thank you for your attention.

Yours sincerely

John Hill  
**Chief Executive**

CC: Rt Hon Sir James Paice



## Department for Communities and Local Government

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Our Ref: ER/74/034592/12  
Your Ref: JT/10041-61

30 January 2013

Dear Ms Thompson,

### **Local Government Act 1972 - Section 91 Order**

Thank you for your letter of 27 November 2012 to the Secretary of State. I have been asked to reply and I am sorry that you have not received an earlier response.

I acknowledge receipt of two copies of the Order, made under section 91 of the Local Government Act 1972, in respect of three temporary appointments of members to the Snailwell Parish Council.

We are sorry to hear that parish councillors have resigned because of the requirements in the Localism Act 2011 for the disclosable pecuniary interests of their spouses or partners to be included among their own interests and published on the website of the principal council.

The disclosure of pecuniary interests on a publicly available register of interests provides information about any pecuniary interest that may reasonably be thought by others to influence a councillor's actions or decisions when making a decision that is in the public interest. The Government considers it right that the pecuniary interests of a councillor's spouse or partner should be treated in the same way as the councillor's own pecuniary interests since a councillor will benefit from the financial interests of their spouse or partner. The requirement to publish the registers of interests online reflects the fact that in an internet age, the majority of people access information about their council and councillors online, and that it has been the norm for several years for the registers of councillors' interests for district, unitary and county councils to be published on council websites. The Government does not see any justification for excluding parish councils from this requirement.

Yours sincerely,

### **ANNE DART**

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