

Report to Standards Committee

Subject: Update on the introduction of the new Standards Regime under the Localism Act

Date: 13 September 2012

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1. PURPOSE OF THE REPORT

To update members on the progress made to introduce the new standards regime required under the Localism Act.

2. BACKGROUND

- 2.1 Members will recall that the Localism Act 2011 makes fundamental changes to the system of regulation of standards of conduct for elected and co-opted Councillors. The Act repeals certain provisions of the Local Government Act 2000, which provides the basis for the current statutory Standards regime, abolishes Standards for England and requires the Council to introduce a new regime.
- 2.2 A series of working groups was set up to look at various aspects of the Act and report into the Standards Committee. The Standards Committee met on 14 June 2012 and made a number of recommendations to Council.
- 2.3 The Council met on 11 July 2012 and approved all the recommendations made by the Standards Committee.

The Council:

- a) agreed to set up a Standards Committee which is not politically balanced;
- b) agreed that the Standards Committee should consist of 2 representatives from each political group together with 3 co-opted non-voting Members (1 Independent and 2 Parish reps);
- c) accepted the nominations for Membership of the Committee;
- d) approved the appointment of the Co-opted Members;
- e) agreed that Sub-Committees of the Standard Committee (“Hearing Panels”) consisting of 1 representative from each political group and 1 co-opted non-voting Member will deal with decisions on allegations following an investigation;

- f) gave delegated power to the Council Solicitor and Monitoring Officer to constitute the membership of the Hearings Panels at any time;
- g) approved the remit of the Standards Committee and Hearing Panels set out in Appendix 1; and
- h) approved the Code of Conduct and arrangements for dealing with complaints;
- i) agreed that the Council should have an Independent Person and reserve candidate and approved the appointment of Mr J R Baggaley as Independent Person for a period of 5 years;
- j) agreed that the Independent Person be paid a fixed fee retainer of £500 per year with a fee of £100 per allegation which is subject to an investigation;
- k) appointed the Council Solicitor and Monitoring Officer as the proper officer for the receipt of a written request for a dispensation;
- l) agreed the delegations approved by the Standards Committee for dealing with dispensations;
- m) requested that the Council Solicitor and Monitoring Officer prepare and maintain a new Register of Members Interests to comply with the requirements of the Act and the Council's Code of Conduct; and
- n) requested that the Council Solicitor and Monitoring Officer prepare and maintain new Register of Members' Interests for each Parish Council to comply with the Act and any Code of Conduct adopted by each Parish Council.

- 2.4 Due to the operation of the Constitution, the Council was unable to agree to include a Standing Order in the Council Procedure Rules requiring a member to withdraw from the meeting room where they have a disclosable pecuniary interest. The matter was adjourned at the meeting on 11 July 2012 and will be considered at the Council meeting on 12 September 2012.
- 2.5 Training on the new Code of Conduct was offered to all Borough Councillors. The training was delivered by the Monitoring Officer and deputy Monitoring Officer on 16 July 2012 and 21 Councillors attended. The majority of the feedback was that the training was excellent.
- 2.6 The webpage and complaint form have been re-written to take account of the new standards regime. The Act requires that changes to the Code of Conduct must be brought to the attention of persons living in the borough. This does not have to be done in a prescribed way; therefore this has been done via the website.
- 2.7 Completed Register of Interests forms have been received and those which are outstanding are being chased. Assistance has been given by the Monitoring Officer and deputy Monitoring Officer. An update will be provided at the meeting.
- 2.8 Each Parish Council is required to adopt its own Code of Conduct. The Standards Committee was keen that Parishes adopt the same Code as the Borough Council as this will assist in uniformity across the borough and will also provide a degree of clarity when dealing with complaints about breach of

the Code. Parish Councils have been asked to consider adopting the borough Council's Code. Some Parishes have done so, but others have adopted a different version.

- 2.9 The Monitoring Officer is required to establish and maintain a register of interests, for both the Borough Council and Parish Councils, which must be available for inspection and available on the Council's website. Work is in progress but at the time of writing this report is not complete.
- 2.10 The position of reserve Independent Person remains vacant and a recruitment process will need to be undertaken. It is proposed that a sub-committee comprising the Chairman and 3 other members of the Standards Committee be set up to deal with the recruitment of the reserve Independent Person. The sub-committee will shortlist and interview candidates and make a recommendation to Council in due course.

3. RECOMMENDATION

It is recommended that members:

- 3.1 note the report; and
- 3.2 set up a sub-committee comprising the Chairman and 3 other members of the Standards Committee to deal with the recruitment of the reserve Independent Person.