

## **Report to Council**

**Subject:** Review of standards regime

**Date:** 16 November 2016

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### **1. Purpose of the Report**

To update Council on the outcome of a review of the standards regime carried out by Standards Committee and seek approval for minor amendments to the Code of Conduct; remit of the Standards Committee and the remuneration paid to the Independent Person and reserve Independent Person.

### **2. Background**

2.1 Members will recall that the Localism Act 2011 made fundamental changes to the system of regulation of standards of conduct for elected and co-opted Councillors. The Act repealed certain provisions of the Local Government Act 2000, which provided the basis for the previous statutory standards regime, abolished Standards for England and required the Council to introduce a new regime. In light of this, the Council approved a new standards regime in July 2012. The regime has remained unchanged since 2012 and therefore the Standards Committee decided to conduct a review to ensure it remains fit for purpose.

2.2 Two working groups were set up to look at various aspects of the current regime and report into the Standards Committee. This report sets out the decisions of the Standards Committee in relation to those matters which fall within its remit and makes recommendations to Council in respect of those matters which fall to Council to determine.

#### **2.3 Registration of Interests**

2.3.1 In relation to registration of interests, the Standards Committee accepted that the current Register of Interests form is difficult to complete and agreed that it should be simplified. In particular they agreed that a question and answer format would help Members to address their minds to those interests which need to be registered. Taking on board these comments, a draft Register of Interest Form has been endorsed and will be circulated to all Borough Councillors and Parish Council Clerks should they wish to use it.

## 2.4 Code of Conduct

2.4.1 The Standards Committee considered that the Code of Conduct should be amended so as to require Members to declare gifts and hospitality in excess of £50 instead of £25. This is to reflect the cost of inflation. Changes to the Code of Conduct can only be approved by Council; therefore Standards Committee agreed the amendment and referred it to Council for approval.

## 2.5 Arrangements for dealing with complaints

2.5.1 Following review, the Standards Committee agreed to amend the arrangements for dealing with complaints as follows:

- During the course of the complaint, it should be treated as confidential;
- Decisions of the Monitoring Officer should be reported to Standards Committee (in the case of breach the Subject Member should be named in the public report but not identified in the case of no breach);
- Monitoring Officer can make the initial assessment decision without notifying the Subject Member or consulting the Independent Person where the Subject Member is clearly acting in his/her personal capacity;
- When making the decision on initial assessment, the Monitoring Officer can also take into account whether the breach has already been remedied by the Subject Member and whether the complaint reveals an underlying issue;
- Terminology should be consistent throughout the document;
- An additional sanction regarding co-opted members to be included.

## 2.6 Dispensations

2.6.1 In relation to dispensations, the Standards Committee agreed that the current arrangements were acceptable and no changes were proposed.

## 2.7 Standards Committee

2.7.1 Following review, the Standards Committee agreed that the composition of the Standards Committee should be retained and that the Monitoring Officer should take steps to fill the vacant position of co-opted independent member.

2.7.2 The Standards Committee remit has been reviewed and one minor change is proposed. The current remit states at 9.02(h) that the Standards Committee is responsible for “performing the functions set out in (a)-(g) above in respect of Parish Councils in the Borough”. 9.02(f) states that the Standards Committee is responsible for granting dispensations, however since the introduction of the Localism Act, the Borough Council is no longer responsible for granting dispensations in relation to Parish Councillors. It is therefore proposed that the remit be amended to make this clear. An amended version of the Standards Committee remit is at Appendix 1. The remit can only be approved by Council;

therefore Standards Committee endorsed the amendment and referred it to Council for approval.

## 2.8 Independent Person

- 2.8.1 The Council currently has an Independent Person (John Baggaley) and a reserve Independent Person (vacant). The Independent Person may be remunerated, but there is no guidance on setting an appropriate level of remuneration and Councils have taken different approaches. In 2012 Council agreed that the Independent Person should be paid a fixed fee retainer of £500 per year to cover attendance at meetings and telephone calls with an additional fee of £100 per complaint which is dealt with following an investigation. It was also agreed that the reserve Independent Person receives a fixed fee retainer of £250 per year with a fee of £100 per complaint which is dealt with following an investigation. The reason for the additional fee of £100 is that there is additional input from the Independent Person at that stage – he/she will need to read a lengthy investigation report, be consulted by the Monitoring Officer on an appropriate resolution and attend a Hearings Panel (if one is required).
- 2.8.2 The Standards Committee considered the remuneration of the Independent Person and reserve and proposed that it should be increased in line with the increase to Members' basic allowances agreed at Council in March 2016. The Committee also decided that the remuneration should be reviewed on an annual basis. The remuneration of the Independent Person and reserve can only be approved by Council; therefore Standards Committee endorsed the increase and referred it to Council for approval.
- 2.8.3 The Standards Committee also agreed that the Monitoring Officer should take steps to recruit to the position of reserve Independent Person, which is currently vacant.

## 3. **Proposal**

- 3.1 It is proposed that:
- a) the Code of Conduct be amended so as to increase the level of gifts and hospitality which needs to be registered from £25 to £50;
  - b) the amended remit of the Committee at Appendix 1 be approved to make it clear that the Borough Council is unable to grant dispensations in relation to Parish Councillors; and
  - c) the increase to Members' basic allowances agreed by Council in March 2016 be applied to the fixed fee retainer and additional fee for complaints dealt with following an investigation paid to the Independent Person and reserve Independent Person.

## 4. **Resource Implications**

The increase in the remuneration for the Independent Person and reserve Independent Person can be accommodated within existing budgets.

## **5. Recommendation**

It is recommended that:

- a) the Code of Conduct be amended so as to increase the level of gifts and hospitality which needs to be registered from £25 to £50;
- b) the amended remit of the Committee at Appendix 1 be approved to make it clear that the Borough Council is unable to grant dispensations in relation to Parish Councillors; and
- c) the increase to Members' basic allowances agreed by Council in March 2016 be applied to the fixed fee retainer and additional fee for complaints dealt with following an investigation paid to the Independent Person and reserve Independent Person.

## **6. Appendices**

Appendix 1 – Updated remit of the Standards Committee.