



Council **13 December 2011**

CHAIRMAN'S REPORT **STANDARDS COMMITTEE**

Report by Viscount Leathers ***Chairman of the Standards Committee***

1. Complaints

- 1.1 Since my last report, we have had just three complaints, which are under investigation. Two are against Parish Councillors and one against a Borough Councillor. In 2011 two investigations were completed and reported to the Committee; in both cases members agreed with the Investigating Officer's finding that there had been no breach of the Code. Two further reports by the Investigating Officer will be put before the Committee on 14 December 2011.
- 1.2 There has been no requirement to call upon our neighbouring Councils for assistance, nor any reciprocal request.

2. The Localism Act

- 2.1 The Government's Localism Bill received Royal Assent on 15 November 2011; the Localism Act has now become law.
- 2.2 The main details relevant to the standards regime are:-
- (a) all authorities are required to have a Code of Conduct, to replace the existing Code which continues in force until then;
 - (b) this requirement applies to parish councils as well as to principal authorities; recognising the administrative limitations of parish councils, they may comply by adopting the principal authority's code;
 - (c) that Code of Conduct must be in accordance with the seven Nolan principles: selflessness, integrity, objectivity, accountability, openness, honesty and leadership;
 - (d) the Code of Conduct must include the requirement for Members to register and disclose their pecuniary and non-pecuniary interests;

- (e) a Member will be committing a crime if, without reasonable excuse, they fail to declare or register a pecuniary interest or if they knowingly or recklessly provide false or misleading information about that pecuniary interest;
- (f) all local authorities must put in place a system to deal with allegations that Members (including Parish Members) have breached the Code; the Government does not prescribe what those arrangements should be; but
- (g) a local authority must appoint an independent person through a transparent process and, where a local authority has investigated an allegation, it must seek the independent person's view before reaching a decision about the allegation. It must then have regard to that view; and
- (h) in an investigation, where a complaint was dismissed, that would be the end of the matter. Where a complaint was upheld, a council would then have a number of options open to it under existing provisions; a formal letter, a formal censure or remove the member from the committee or committees for a time.

2.3 Further information on transitional arrangements should be set out in regulations before the end of January 2012. The date will be confirmed in commencement orders but it is anticipated this will occur on 31 January 2012.

2.4 The functions of the national body Standards for England (formerly known as the Standard Board) will cease.

2.5 The Standards Committee will give consideration to the most appropriate way to implement the requirements of the Act so that they promote the continuance of the high standards of conduct enjoyed in St Edmundsbury without being unduly onerous in terms of procedures or resources, and will make recommendations for the Council to consider.

3. Summary

3.1 St Edmundsbury Members continue to exhibit an integrity which warrants the confidence of the Borough. As I have reported in the past, the Committee itself continues to work in a united, constructive and ethical way, and I would especially thank the Monitoring Officer and her team for their erudite and constructive assistance. Until reorganisation, the Committee will continue to be active, following the principle that the system for which it is responsible in St Edmundsbury should be sincere, open-minded and impartial.