



Council 19 June 2012

New Standards Regime: Recommendations from the Standards Committee

Chairman of the Committee: Mr John Burgess

Vice Chairman of the Committee: Councillor R Cockle

1. Background

- 1.1 The Localism Act 2011 makes fundamental changes to the system of regulation of standards of conduct for elected and co-opted councillors. The date for implementation of these changes is 1 July 2012.
- 1.2 On 13 June 2012, the Standards Committee considered Report D32 (previously distributed with this Council agenda), which contained several recommendations for implementing the provisions detailed in the Localism Act with regards to the changes to the standards regime.

2. Recommendations

- 2.1 The Committee considered each element of change, as detailed in Sections 2 to 9 of Report D32, in turn and each of the recommendations (where applicable) relating to that particular section. The recommendations are re-produced from Report D32 below, and where the Committee has proposed an amendment, this is explained and annotated accordingly.

2.1.1 Standards Committee

RECOMMENDED:- That

- (1) the Council establish a Standards Committee comprising the three current elected members of the Council; and***
- (2) the Monitoring Officer be authorised to work with her counterpart at Forest Heath District Council towards the establishment of a Joint Standards Committee and to report back to full Council on 27 September 2012.***

No amendments to the above recommendations have been proposed by the Committee.

2.1.2 The Code of Conduct

RECOMMENDED:- That

- (3) the draft Code of Conduct, attached as Appendix A to Report D32, be approved for adoption;**
- (4) when the Disclosable Pecuniary Interests (DPIs) Regulations are published, the Monitoring Officer, after consultation with the Chairman of the Standards Committee and the Independent Person, be authorised to add to that draft Code provisions which he or she considers to be appropriate for the registration and disclosure of interests other than DPIs to be known as Local Non-Pecuniary Interests; and**
- (5) the Monitoring Officer, in consultation with the Chairman of the Standards Committee, be given delegated authority to make any minor typographical, grammatical or factual amendments to the Code.**

The Committee proposed the insertion of 'he or' before the word 'she' in recommendation (4) above, for purposes of being non-gender specific.

2.1.3 Action in response to a Hearing finding of failure to comply with Code

RECOMMENDED:- That

- (6) the procedure for dealing with complaints, set out at Appendix B to Report D32, be adopted;**
- (7) the Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct;**
- (8) the Monitoring Officer be given delegated power, after consultation with the Independent Person, to determine whether a complaint merits formal investigation or not, and if so, to arrange such investigation and be authorised to refer complaints to political group leaders and to seek resolution of complaints without formal investigation wherever practicable, and to report to Standards Committee on the discharge of this function;**
- (9) where the investigation finds no evidence of failure to comply with the Code of Conduct, the Monitoring Officer be authorised to close the matter, providing a copy of the report and findings of the investigation to the complainant and to the Member concerned, and to the Independent Person, and report the findings to the Standards Committee for information;**
- (10) where the investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer be authorised to consult with the Independent Person on the appropriate sanction to be recommended to the Standards Committee ;**

(11) *the Standards Committee be authorised to take decisions on the action to be taken in respect of a Member who is found on hearing to have failed to comply with the Code of Conduct, such actions to include:-*

- (i) *reporting its findings to Council [or to the Parish Council] for information;***
- (ii) *recommending to the Member's Group Leader (or in the case of un-grouped Members, to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;***
- (iii) *recommending to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;***
- (iv) *instructing the Monitoring Officer to [or recommending that the Parish Council] arrange training for the Member;***
- (v) *removing [or recommending to the Parish Council that the Member be removed] from all outside appointments to which he/she has been appointed or nominated by the authority [or by the Parish Council];***
- (vi) *withdrawing [or recommending to the Parish Council that it withdraws] facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or***
- (vii) *excluding [or recommending that the Parish Council exclude] the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.***

No amendments to the above recommendations have been proposed by the Committee.

2.1.4 Functions of the Independent Person and Remuneration

RECOMMENDED:- That

(12) *Mr John Burgess, current member of the Standards Committee be nominated to be appointed as the Independent Person from 1 July to 27 September 2012 inclusive; and*

(13) *the Independent Person receive an annual allowance of £300 and a fee of £30 for each case considered.*

As detailed in paragraph 5.3.3 of Report D32, the recruitment process for selecting an Independent Person will not be completed until 3 July 2012, but it is a statutory

requirement that Members approve his/her appointment. Therefore, Council on 27 September 2012 will be asked to do this. In the meantime, the Committee proposed that Mr John Burgess, current Independent member of the Standards Committee, be nominated as the Council's Independent Person during the interim period from 1 July 2012 to 27 September 2012, having taken advantage of transitional provisions prescribed in the Act to appoint an existing member of the Standards Committee.

2.1.5 The Register of Members' Interests

RECOMMENDED:- That

- (14) the Monitoring Officer be authorised to ~~prepare and~~ maintain a new Register of Members Interests to comply with the requirements of the Act, and of the Council's Code of Conduct, once adopted, and ensure that it is available for inspection as required by the Act; and***
- (15) ~~prepare and~~ maintain new Registers of Members' Interests for each Parish Council to comply with the Act, and any Code of Conduct adopted by each Parish Council, and ensure that it is available for inspection as required by the Act.***

The Committee considered it appropriate to delete reference to 'prepare and', as detailed in recommendations (14) and (15) above, to ensure Members of both the Borough Council and Town/Parish Councils clearly understood that the onus was on them to complete their own Register of Interest forms and not the Monitoring Officer. The Monitoring Officer is, however, required to maintain Registers of Interests for both the Borough and Town/Parish Councils.

2.1.6 Dispensations

RECOMMENDED:- That

- (16) the power to grant dispensations be delegated to the Monitoring Officer, who may at her discretion refer the matter to the Standards Committee for a decision; and***
- (17) there be a right of appeal to the Standards Committee from decisions made by the Monitoring Officer.***

No amendments to the above recommendations have been proposed by the Committee.

For further information, please contact:-
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