

## GOVERNANCE COMMITTEE

27 JUNE 2012

### REPORT OF THE MONITORING OFFICER

#### LOCALISM ACT – CHANGES TO STANDARDS LEGISLATION UPDATE ON PROGRESS

##### 1.0 PURPOSE OF REPORT

- 1.1 To inform members of the progress made since the Governance Committee on 22<sup>nd</sup> May 2012 in respect of the changes to the system of regulation for standards of conduct for elected and co opted members of the Council, following the Localism Act 2011.

##### 2.0 RECOMMENDATIONS

- 2.1 That the Governance Committee notes the commencement order and pecuniary interests regulations attached at Appendix A and B respectively.

##### 2.2 *Code of Conduct*

Members are requested to consider the draft code attached at Appendix C and the detail in section 3.2 below and advise the Monitoring Officer of their views before its onward reporting to Full Council for approval and incorporation into the Constitution;

##### 2.3 *Ethical Governance Panel and Process for Dealing with Complaints*

Members recommend to Full Council that the Governance Committee take responsibility for dealing with complaints.

##### 2.4 *The Appointment of Independent Persons*

That members note the progress being made in respect of the recruitment process for these persons.

##### 2.5 *Interests*

Members note the additional support being proved to parishes and training proposed for members.

##### 3.0 KEY ISSUES

- 3.1 Chapter 7 of the Localism Act 2011 set out revised provisions in respect of the conduct of members. With the publishing of the Commencement Order (8 June 2012) as attached at Appendix A, the new provisions come into force on 1 July 2012. From this date there is no longer a statutory requirement to have a Standards Committee and the new arrangements come into force, with the Code of Conduct being overseen by the Governance Committee.

There are a number of transitional arrangements also covered which include the arrangements for the determination of outstanding complaints, removal of the power of suspension from the commencement of the transitional period and

removing the right of appeal to the First Tier Tribunal from the start of the transitional period.

### 3.2 Progress since last meeting

#### Code of Conduct:

Following the guidance given by the committee at its last meeting a “light touch” draft code has been produced and is attached at Appendix C for members consideration. In addition the County Council Monitoring Officer has approached District Councils to consider the approval of a joint code across the County and in respect of which monitoring officers were generally supportive due to the practical advantages associated with this. Members are requested for their views on this and the Monitoring officer will also provide feedback from the final meeting of the Standards committee where this matter was discussed. A copy of the County Council’s draft code has been requested and may be tabled if it is available on the date of the meeting. Members may also wish to consider a consultation process with all Members prior to the code being finalised for Full Council.

#### Ethical Governance Panel

Following further consideration around the practicalities and legalities associated with the proposed Committee, it is now recommended by officers that the Governance Committee undertake this responsibility. This will enable a smaller number of Members to be trained and will facilitate the new codes development during this bedding in period. Members could of course revise this position at a later date should any conflicts occur or this not be the desired way forward. The flowchart for dealing with complaints has been amended following member comments.

#### The Appointment of Independent Persons

The Advert has been issued and the monitoring officer is starting to take calls regarding interest in this role. Interviews are planned for the 5<sup>th</sup> July 2012.

#### Interest and Training

Following the issuance of the guidance on Pecuniary Interests as attached at Appendix B and the approval by Council of a code of conduct new guidance will be issued to members. A presentation for Parish Councils was undertaken on 11<sup>th</sup> June and a checklist has been sent to clerks to help them with the introduction of these new arrangements.

## 4.0 **POLICY AND CORPORATE IMPLICATIONS**

- 4.1 Strong Corporate Governance is important in order to ensure high Standards of Conduct are maintained throughout this change to a new code of conduct and in the implementation of any new systems.

## 5.0 **FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

- 5.1 The implementation of the new requirements will impact on Democratic Services Resources with particular regard to the Parish requirements.

## 6.0 **LEGAL IMPLICATIONS/POWERS**

6.1 These are contained in the body of the report. Of particular note is the change implemented in the legislation making the non-registration of a discosable percuniary interest within 28 days a criminal offense.

## 7.0 **COMMUNITY SAFETY**

7.1 There are no specific community safety issues.

## 8.0 **EQUALITIES**

8.1 Any new processes will need to ensure that they are accessible to all.

## 9.0 **RISKS**

9.1 The impact and of the changes and their implementation will need to be managed to minimise any risk to the Council reputational or otherwise.

## 10.0 **CLIMATE CHANGE**

10.1 There are no specific climate change issues as a result of this report.

## 11.0 **CONSULTATION**

11.1 The Standards Committee was consulted on these changes and indicated a preference for a light touch code maintaining the need for Councillors to leave the room when they have an interest. Verbal feedback will be provided following its last meeting on 21 June 2012.

## 12.0 **WARDS AFFECTED**

12.1 All wards are affected.

Contact Officer           Christine Marshall, Strategic Director & Monitoring Officer  
Date:                       18 June 2012

Appendices :            A – Commencement Order  
                              B – Percuniary Interests  
                              C – Draft Code of Conduct

Background Papers:    Localism Act 2011

Reference :             X : Committees\Governance\2012\13\22-05-12 v2