

COUNCIL - 21ST JUNE 2012

AGENDA ITEM 7 RECOMMENDATIONS OF COMMITTEES AND THE EXECUTIVE ADDENDUM TO AGENDA

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STANDARDS COMMITTEE: 13TH JUNE 2012

7 LOCALISM ACT 2011: A NEW FRAMEWORK FOR STANDARDS

The Committee received a report on the requirements of the Localism Act 2011 and the need to establish a new framework for standards.

The Localism Act 2011 abolished the current "Standards" regime and replaced it with a more locally focussed process for regulating Member Conduct. There would no longer be a national Code of Conduct but Councils would have to adopt their own Codes and these had to be consistent with certain principles.

The Council would have to establish new arrangements under which allegations of Member misconduct could be considered and, if appropriate, investigated and it would have to appoint at least one "independent person" whose views would be sought before a decision on an allegation was made.

The Monitoring Officer had to establish and maintain a register of interests, ensure that this was available for inspection and published on the website. Members would have to declare pecuniary interests on election to office and these disclosable pecuniary interests were specified in Regulations. It would be a criminal offence for Members to deliberately withhold or misrepresent a financial interest.

The Act imposed a new duty on Council's to promote and maintain high standards of conduct by Members.

The report set out relevant statutory powers, background information, the principal features of the new standards framework and issues for the Council to consider - namely the need for:

- a new Member Code of Conduct
- a reconstituted Standards Committee
- appointment of "independent persons"
- procedures and protocols for dealing with complaints
- a new register of interests

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- procedures in relation to disclosure at and withdrawal from meetings
- the role and involvement of Parish Councils
- training

The report covered financial issues, legal, financial, equality and policy framework implications and consultation. The report had appended to it a draft Member Code of Conduct and terms of reference for a reconstituted Standards Committee.

Since despatch of the agenda, it was reported that Regulations had been issued confirming that the new standards framework would commence from 1st July 2012 and defining the new statutory “disclosable pecuniary interests”.

The Regulations also introduced a provision allowing (prior to the 1st July 2013) the appointment of existing independent members as “independent persons” subject to public advertisement and recruitment to the new role.

Additionally (since despatch of the agenda) a number Members had suggested that the proposed new Code of Conduct could usefully be strengthened by inclusion of requirements on non-pecuniary interests. A revised draft incorporating and highlighting suggested changes was accordingly circulated at the meeting.

The Council had a large degree of local discretion on the new Code provided it was consistent with certain principles. The draft comprised six parts and the majority was either statutory or based on the Localism Act and Regulations made under this primary legislation. The principal discretionary elements (not based on the Act) related to the inclusion of general obligations extracted from the current Code and a requirement to declare non-pecuniary interests.

A range of issues were discussed and, where appropriate, answers and explanations were provided by the officers. In relation to one issue - the status of co-opted members and who could be appointed into this capacity specifically for the Standards Committee - it was agreed a report clarifying the legal position and scope for co-optees, for example Town and Parish Councillors, independent members and independent persons, should be submitted to the next meeting of the Standards Committee. There was a degree of consensus that voting co-optees were desirable.

RECOMMENDED that:

(i) the Code of Conduct set out at Appendix A to these Minutes be adopted with effect 1st July 2012 and incorporated in the Council’s constitution in place of the current Member Code of

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Conduct;

(ii) Salfords and Sidlow Parish Council and Horley Town Council be recommended to adopt the Borough Council's Code of Conduct;

(iii) subject to report on the issue of co-opted members, as referred to above, to a future meeting of the Standards Committee, the draft Terms of Reference (including proposed composition) for a reconstituted Standards Committee, as set out at Annex 2 to the circulated report, be approved and incorporated into the Council's Constitution;

(iv) two independent persons be appointed and the Monitoring Officer be authorised to commence the recruitment process leading to recommendation on appointments by the Standards Committee to Council;

(v) in relation to allegations of misconduct by Members, the Monitoring Officer be asked to develop procedures and protocols for consideration and approval by the Standards Committee;

(vi) the Monitoring Officer be authorised to establish and maintain registers of interest for the Borough and Parish Councils in accordance with legislative requirements, with effect from 1st July 2012;

(vii) the requirement for Members to withdraw from a meeting when they have a disclosable pecuniary interest be incorporated in the new Code of Conduct;

(viii) the Monitoring Officer be requested to work closely with the Parish Clerks and help the Parish Councils with all the new requirements;

(ix) Parish Council representation on the Standards Committee, on a co-optee basis, be retained in accordance with the draft Terms of Reference set out at Annex 2 to the circulated report;

(x) the Monitoring Officer be requested to provide suitable training on the new standards framework for all Borough and Parish Councillors; in respect of Borough Councillors the training be deemed obligatory; and

(xi) the new Code of Conduct be reviewed by the Standards Committee after 12 months and/or in the light of any amending/further Regulations on the matter.

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