

STANDARDS COMMITTEE – 16 APRIL 2012

25. REPORT OF THE STANDARDS WORKING GROUP - PROPOSED NEW STANDARDS REGIME

The Committee, at its meeting on 26 January 2012, had received a report that had updated it on the implications of the Localism Act on the current Standards Regime. Consequently, it had established a Working Group to explore, examine and develop a draft framework and such options, procedures, arrangements it considered necessary to enable the Council to discharge its duties and obligations under the Localism Act 2011 in relation to the Standards Regime from 1 July 2012.

The Director of Law, HR and Asset Management had been requested to update the Members' Code of Conduct as a starting point for the development of a new framework for the Standards Regime and to include the use and review of the existing Members' Code of Conduct and written arrangements as the basis of any proposed changes (if required). (Minute No. 18 refers.)

It was reported that the Working Group had met twice, on 1 and 28 March 2012, and had discussed the Council's requirements for a new Standards Regime and a Councillor Complaints procedure in great detail. This had then culminated in a report presented to the Committee by the Director of Law, HR and Asset Management which sought its approval and onward recommendation to the Council in relation to:

- (a) changes to the Article 9 (Terms of Reference of the Standards Committee (and its Panels)) of the Council's Constitution set out at Appendix 1 to the report;
- (b) the draft Members' Code of Conduct set out at Appendix 2 to the report;
- (c) the draft Protocol: Arrangements for Investigating and Making Decisions in relation to allegations made under the Members' Code of Conduct set out in Appendix 3 to the report;
- (d) the draft Complaint Form to be used in relation to complaints relating to the Members' Code of Conduct set out at Appendix 4 to the report; and
- (e) authorising the Monitoring Officer to make arrangement to enable the Council to appoint 'Independent Persons' to support the effective administration of standards complaints and decisions, in accordance with the requirements of the Localism Act 2011.

The Committee noted that if it was minded to agree the proposed changes to the Terms of Reference of the Standards Committee (and its Panels) and the draft Members' Code of Conduct, included with the report, then the Council's approval would be required, in accordance with the Constitution.

Mr Ken Harrison acknowledged the hard work that had been undertaken by Members of the Working Group they had worked very well together on this important piece of work. He made reference to the thoroughness of the Director's report and

congratulated the Members of the Working Party on all that they had been able to achieve in such a short period of time. Mr Harrison also acknowledged that the Head of Legal and Member Services also deserved credit for the work he had put into this important initiative.

It was noted that there would be a recruitment process to select the Independent Person(s) required under the Localism Act to assist the new Standards Regime and it was hoped that the necessary appointments would be made at the May Council meeting.

The Committee paid tribute to its Independent Members, Ken Harrison, Alex Nuttall and Stella Elliott. They would unfortunately be unable to sit on the Standards Committee after 30 June 2012 when the new Standards Regime came into force because of the definition of Independent Person introduced by the Localism Act 2011. Members informed that they appreciated their help and support and were very sorry to lose them. Particular reference was made to Brian Cummings, whose term of office had expired last year but who had diligently chaired the Committee for a number of years previous to that. Members requested that Mr Cummings be sent a letter thanking him for his excellent service to the Committee over the years. Members also thanked Mr Harrison, who had taken over the chairing of the Committee from Mr Cummings, and who had also chaired the meetings of the Working Group

The Committee noted that all Members of the Council would require training on the new Code of Conduct and on the new Standards Regime and that it was planned to roll this out during June 2012.

RESOLVED:

That the Council be recommended to approve:

- (1) the changes to Article 9 (Terms of Reference of the Standards Committee (and its Panels)) (as set out at Appendix 1 to the report) to take effect from 1 July 2012; and that the Council's Constitution be amended accordingly;**
- (2) the draft Members' Code of Conduct (as set out at Appendix 2 to the report) to take effect from 1 July 2012; and that the Council's Constitution be amended accordingly;**
- (3) the draft "Protocol: Arrangements for Investigating and Making Decisions in relation to allegations made under the Members' Code of Conduct" (set out Appendix 3 to the report) to take effect from 1 July 2012;**
- (4) the draft Complaint Form (set out at Appendix 4 to the report) and its use as from 1 July 2012; and**
- (5) the Monitoring Officer be authorised to undertake, in consultation with the three political party spokespersons, such steps necessary to enable**

the Council to appoint 'Independent Persons' to support the effective administration of standards complaints and decisions, in accordance with the requirements of the Localism Act 2011.

- (6) the Monitoring Officer be authorised to undertake, in consultation with the three Political Group spokespersons, a consultation exercise with all Members of the Council (and any other persons/bodies considered appropriate) with regards (1), (2) and (3) above.**