

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM 12

REPORT TO CABINET

4 SEPTEMBER 2013

**REPORT OF CORPORATE
MANAGEMENT TEAM**

COUNCIL DECISION

Corporate Management and Finance - Lead Cabinet Member – Councillor Harrington

**LOCALISM ACT 2011 – THE NEW STANDARDS REGIME – REVIEW OF THE COUNCIL'S
LOCAL STANDARDS ARRANGEMENTS**

1. Summary

This report provides details of a review of the Council's Standards arrangements.

2. Recommendations

It is recommended to Council that:-

1. The review report is considered and agreed.
2. No changes are made to the Council's code of conduct for members.
3. Appropriate advice, guidance and training continues to be provided in connection with the code.
4. Proposals to update the descriptions of the principles of conduct in the preamble to the code, in light of the revisions to the descriptions of the Nolan principles, are the subject of further reports to Cabinet and to Council.
5. The arrangements for dealing with member misconduct complaints remain as originally approved by Council.
6. The position of Norman Rollo, as Independent Person, and Mike Hill and Jeff Bell as reserve Independent Persons, be considered, taking into account the recommendations of the Standards (Independent Persons) Appointment Panel.
7. Regular reminders, advice and guidance continue to be provided to Stockton's members and to the members of Town/Parish Councils in Stockton's area regarding the need to submit and keep up to date their registrable interests.
8. The procedures relating to the disclosure of interests and withdrawal from meetings; sensitive interests and dispensations, be reaffirmed.

9. Further training regarding the code of conduct, disclosable pecuniary interests and the arrangements for dealing with allegations of member misconduct be provided as and when considered necessary.
10. The Monitoring Officer reviews the Council's standards arrangements again after a further 12 months of operation, and that the outcome with any recommendation for change is reported back to the Audit Committee, Cabinet and Council for consideration.

3. Reasons for the Recommendations

To ensure that the Council continues to have appropriate arrangements in place to meet the requirements of the Localism Act 2011 and, in particular, to ensure that the Authority continues to satisfy its duty to promote and maintain high standards of conduct by members.

4. Members' Interests

Members (including co-opted Members) should consider whether they have a personal interest in any item, as defined in **paragraphs 9 and 11** of the Council's code of conduct and, if so, declare the existence and nature of that interest in accordance with and/or taking account of **paragraphs 12 - 17** of the code.

Where a Member regards him/herself as having a personal interest, as described in **paragraph 16** of the code, in any business of the Council he/she must then, **in accordance with paragraph 18** of the code, consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest and the business:-

- affects the members financial position or the financial position of a person or body described in **paragraph 17** of the code, or
- relates to the determining of any approval, consent, licence, permission or registration in relation to the member or any person or body described in **paragraph 17** of the code.

A Member with a personal interest, as described in **paragraph 18** of the code, may attend the meeting but must not take part in the consideration and voting upon the relevant item of business. However, a member with such an interest may make representations, answer questions or give evidence relating to that business before the business is considered or voted on, provided the public are also allowed to attend the meeting for the same purpose whether under a statutory right or otherwise (**paragraph 19** of the code)

Members may participate in any discussion and vote on a matter in which they have an interest, as described in **paragraph 18** of the code, where that interest relates to functions of the Council detailed in **paragraph 20** of the code.

Disclosable Pecuniary Interests

It is a criminal offence for a member to participate in any discussion or vote on a matter in which he/she has a disclosable pecuniary interest (and where an appropriate dispensation has not been granted) **paragraph 21** of the code.

Members are required to comply with any procedural rule adopted by the Council which requires a member to leave the meeting room whilst the meeting is discussing

a matter in which that member has a disclosable pecuniary interest (**paragraph 22** of the code)

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LOCALISM ACT 2011 – THE NEW STANDARDS REGIME – REVIEW OF THE COUNCIL’S LOCAL STANDARDS ARRANGEMENTS

SUMMARY

This report provides details of a review of the Council’s Standards arrangements.

RECOMMENDATION

It is recommended to Council that:-

1. The review report is considered and agreed.
2. No changes are made to the Council’s code of conduct for members.
3. Appropriate advice, guidance and training continues to be provided in connection with the code.
4. Proposals to update the descriptions of the principles of conduct in the preamble to the code, in light of the revisions to the descriptions of the Nolan principles, are the subject of further reports to Cabinet and Council.
5. The arrangements for dealing with member misconduct complaints remain as originally approved by Council.
6. The position of Norman Rollo, as Independent Person, and Mike Hill and Jeff Bell as reserve Independent Persons, be considered, taking into account the recommendations of the Standards (Independent Persons) Appointment Panel.
7. Regular reminders, advice and guidance continue to be provided to Stockton’s members and to the members of Town/Parish Councils in Stockton’s area regarding the need to submit and keep up to date their registrable interests.
8. The procedures relating to the disclosure of interests and withdrawal from meetings; sensitive interests and dispensations, be reaffirmed.
9. Further training regarding the code of conduct, disclosable pecuniary interests and the arrangements for dealing with allegations of member misconduct be provided as and when required or considered appropriate.

10. The Monitoring Officer reviews the Council's standards arrangements again after a further 12 months of operation, and that the outcome with any recommendations for change is reported back to the Audit Committee, Cabinet and Council for consideration.

DETAIL

1. At the meeting on 9 February 2012 Cabinet considered and recommended to Council new standards arrangements, as required by the Localism Act 2011 ("the Act").
2. Cabinet's recommendations were agreed by Council on 7 March 2012.
3. Subsequently, Council approved a new code of conduct for Stockton's members under the Act on 18 July 2012.
4. Council agreed that the new local standards arrangements and the new code should be reviewed by the Monitoring Officer after 12 months of operation.
5. A review has been undertaken, and a copy of the report from the Monitoring Officer is attached in that respect.
6. Cabinet is asked to consider the attached report and to recommend it to Council, along with the recommendations specified within this covering report.
7. With regard to recommendation 4, if it is considered appropriate to review and update the descriptions of the principles of conduct in the Council's Code of Conduct in light of the revisions to the descriptions of the Nolan principles, initial discussions will take place with Members about any suggested changes, prior to a report back to Cabinet and to Council for further consideration.
8. The Audit Committee considered a similar report regarding the review of the Council's Standards Arrangements at its meeting on 24 June. The Committee approved the recommendations which are outlined in this report to Cabinet.

FINANCIAL AND LEGAL IMPLICATIONS

Financial

9. Savings have been achieved by not retaining a standing Standards Committee. The costs of providing advice, guidance and training are being met from existing budgets. Any costs arising from the proposed recommendations will also continue to be met from the same budgets.

Legal

10. The Council's local standards arrangements are compliant with the requirements of the Act.

RISK ASSESSMENT

11. Taking into account the first 12 months of operation of the new arrangements, potential breaches of the code continue to be assessed as a low to medium risk. The measures in place to control the risk appear to be proving to be effective. .

SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS

12. High standards of conduct are critical to the Council's governance and organisational development.

EQUALITY IMPACT ASSESSMENT

13. It is not considered that an assessment is required. No changes are proposed to the Council's standards arrangements or to the code of conduct for members (the principles of conduct are separate to the code).

CONSULTATION

14. Consultation regarding the review has taken place with Members, Officers and with Town/Parish Councils through their Clerks. The Audit Committee has also received and considered a report on the matter.

Director of Law & Democracy

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<u>Background Papers:</u>	None
<u>Ward(s) and Ward Councillors:</u>	Not ward specific
<u>Property Implications:</u>	Not applicable