

## CABINET ITEM COVERING SHEET PROFORMA

**AGENDA ITEM**

**REPORT TO CABINET**

**8 OCTOBER 2015**

**REPORT OF CORPORATE  
MANAGEMENT TEAM**

### **COUNCIL DECISION**

**Leader of the Council – Councillor Cook**

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

1. Summary

This report provides details of the latest review of the Council's local standards arrangements.

2. Recommendations

It is recommended to Council that:-

1. The report regarding the review of the Council's local standards arrangements be considered; and as the report recommends that,
2. No changes are made to the principles of conduct or the Council's code of conduct for Members;
3. Awareness continues to be maintained, and that appropriate advice, guidance and training continues to be provided, in connection with the general principles and the code;
4. The Council's Confidential Information protocol is re-issued and re-circulated to all Members, in order to highlight the arrangements and requirements regarding exempt and confidential information;
5. Copies of the letters (about standards of conduct) previously sent to the Planning Committee are re-circulated to all of the current Members of the Committee;
6. Members continue to be reminded of the importance of complying with the law, and the significant risk of not doing so, when using social media, or any other forms of electronic communication.
7. The arrangements for dealing with member misconduct complaints remain unchanged, and as originally approved by Council;

8. All Council Members take appropriate action to ensure that their register of interests details have been submitted and are kept up to date;
9. Regular reminders, advice and guidance continue to be provided to Stockton's Members and to the members of the borough's Town/Parish Councils, regarding the need to submit and keep their registerable interests up to date;
10. The procedures relating to the disclosures of interests at, and withdrawal from the Council's meetings be reaffirmed;
11. Appropriate and timely advice regarding those procedures is made available to all members when required;
12. The documentation (protocol and application form) and procedure regarding dispensation applications and determinations is reaffirmed and re-circulated to all Members;
13. Guidance and/or briefings regarding any aspects of the Council's standards arrangements is provided to individual Members or their Groups if required, on request;
14. The guidance for Members regarding gifts and hospitality is reviewed and re-circulated; and that
15. The Council's standards arrangements are reviewed again during the 2017/18 municipal year.

### 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 Council 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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#### **DETAIL**

1. The Council agreed new standards arrangements, as required by the Localism Act 2011, on 7 March 2012.
2. Subsequently, Council agreed a new code of conduct for Members on 18 July 2012.
3. Council agreed that these new arrangements should be reviewed after 12 months of operation.
4. A review was undertaken, and was the subject of a report to Cabinet and to Council in September 2013. One of the report's recommendations that was agreed by Council was that a further review of the standards arrangements should take place after a further 12 months operation, and that the outcome with any recommendations, should be reported to the Audit Committee, Cabinet and Council.
5. Details of the most recent review of the Council's standards arrangements are attached as an **Appendix** to this report.
6. Cabinet is asked to consider the attached review report, and subject to such consideration, to recommend it to Council along with the recommendations specified within this covering report.
7. The Audit Committee considered a similar report at its meeting on the 28 September. The Committee's views will be reported to Cabinet's meeting.

## **FINANCIAL AND LEGAL IMPLICATIONS**

### **Financial**

8. Any costs arising from the review report and its recommendations, such as the costs of providing guidance or training, will be met from existing budgets.

### **Legal**

9. The purpose of the review report and the recommendations in this covering report is to demonstrate continuing compliance with the requirements of the Localism Act, particularly with regard to the duty to promote and maintain high standards of conduct.

## **RISK ASSESSMENT**

10. Failure to comply with the duty to promote and maintain high standards of conduct is assessed as low to medium risk. There are measures in place to ensure compliance with the duty and thereby to ameliorate the risk.

## **COUNCIL PLAN IMPLICATIONS**

11. Organisational and operational effectiveness and strong local democracy.

## **EQUALITY IMPACT ASSESSMENT**

12. No assessment is considered to be required. No changes are proposed to the standards arrangements themselves, or to the code of conduct for members.

## **CONSULTATION**

13. Consultation regarding the review has taken place with Members, the Council's Independent Persons, Officers and with Town/Parish Clerks. The Audit Committee has also received and considered a report about the matter.

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<u>Background Papers:</u>	The Review Report attached
<u>Ward(s) and Ward Councillors:</u>	Not Ward Specific
<u>Property Implications:</u>	N/A