

APPENDIX

Cabinet Minute Number:- CAB 131/11

Title:- Localism Act 2011 – The New Standards Regime

Minute Details:-

Members considered a report that detailed the new standards provisions to be introduced by the Localism Act, and in response set out initial proposals for consideration.

Cabinet noted some of the key features of the new provisions, which would take effect in July 2012:-

- All current legislation would be repealed
- There would be a new general duty to promote and maintain high standards of conduct by members and voting co opted members
- Each "relevant authority" must adopt a code which dealt with the conduct expected of members and voting co opted members when acting in that capacity.
- There would no longer be any national coordination or express controls over disrespect, bullying, intimidation etc, though the Council's adopted code may cover such issues.
- Regulations relating to "disclosable pecuniary interests"
- Arrangements for investigating and determining allegations.
- Requirement to appoint at least on "independent person"

A more detailed synopsis of the new provisions was provided as an appendix to the report being considered

Members then considered a suggested initial response to the new proposals which covered the following areas:-

- The Code of Conduct
- Arrangements for dealing with Misconduct
- Initial decisions on a complaint
- Investigations
- Breaches
- Appeals
- Independent Persons
- Registers of Members' Interests
- Disclosure of Interests and withdrawal from meetings
- Sensitive Interests
- Dispensations
- Review
- Training

Cabinet was provided with a number of proposals for consideration, and it was suggested that they be recommended to Council for approval.

RECOMMENDED to Council that:

- 1. the new code of conduct to be drafted by the Monitoring Officer is based on the ten principles of conduct (as specified in the Relevant Authorities (General Principles Order 2001); and subject to this that it includes provisions equivalent to paragraphs 3 to 7 of the Council's current code; and that it should require registration and disclosure of interests which would constitute personal and/or prejudicial interests under the current code, but withdrawal from the meeting room as required by the Localism Act only in relation to disclosable pecuniary interests.**
- 2. when the disclosable pecuniary interests regulations are published, the draft code is reviewed by the Monitoring Officer and appropriate provisions are included regarding the registration and disclosure of such interests and also of interests other than disclosable pecuniary interests.**
- 3. the Monitoring Officer (or authorised representative) is given delegated authority to receive complaints about member conduct under the Council's new code of conduct and under the codes of conduct adopted by the Borough's Town and Parish Councils.**
- 4. the Monitoring Officer (or authorised representative) be given delegated power, in consultation with an independent person, to decide whether or not to take any action on a complaint, including the power to take no action; to seek to resolve a matter informally and to arrange an investigation; and that he is given discretion to refer a decision on whether or not to investigate a complaint to the standards panel.**
- 5. where an investigation finds no evidence of failure to comply with the code, the Monitoring Officer (or authorised representative) is given delegated authority, in consultation with an independent person, to close the matter, but with discretion to refer such a decision to the standards panel.**
- 6. where an investigation finds evidence of a failure to comply with the code, the Monitoring Officer (or authorised representative), in consultation with an independent person, is given delegated authority to seek a local resolution of the matter to the complainant's satisfaction, where appropriate, and where not appropriate or possible, to refer the investigation findings to the standards panel.**
- 7. a politically balanced list of ten members be established, from which a standards panel of three members could be drawn in order to hear complaints about member conduct where an investigation finds evidence of failure to comply with the code of conduct.**
- 8. the standards panel is given delegated authority to take decisions in consultation with an independent person, in cases where a member is found as a result of a hearing to have failed to comply with the code of conduct, such decisions to include one or more of the actions specified at paragraph 19 of the report as considered appropriate.**
- 9. it be noted that there will be no local authority appeal mechanism regarding decisions of the standards panel.**
- 10. written procedures be developed by the Monitoring Officer regarding the arrangements outlined in recommendations 3 to 9 inclusively.**
- 11. vacancies for one independent person ("IP") and two reserve IPs be advertised**

publicly and that the terms of reference of the current Standards Appointments Panel be revised to enable the Panel to shortlist (if considered necessary by the Monitoring Officer in consultation with the Chair of the Panel) and to interview candidates with a view to recommending appointments to Council.

12. the initial remuneration for the IPs be set at £650 per annum, with travel and subsistence being payable at member rates, with this being reviewed after 12 months of operation by the Standards Appointment Panel which would then make recommendations to Council regarding the future remuneration of IPs.

13. the Monitoring Officer:-

- prepares and maintains a new register of members interests for the Council, as required by the Localism Act and the code of conduct when adopted;
- ensures that the register is available for inspection and on the Council's website;
- provides guidance to all members on their duty to register interests;
- prepares and maintains new registers of members' interests for each Town and Parish Council within Stockton Borough, as required by the Localism Act and each code of conduct adopted by the Town and Parish Councils;
- ensures that each register is available for inspection and on the Borough Council's website, and that each Town and Parish Council with a website is provided with the information necessary to enable them to put their register on their own website;
- provides guidance to Town and Parish Clerks on the new registration requirements.

14. the Monitoring Officer amends Council, Cabinet and Executive Scrutiny and Select Committee procedure rules to provide that a member must leave the meeting room during the whole consideration of any item of business in which the member has a disclosable pecuniary interest, except where the member is permitted to remain as a result of the grant of a dispensation.

15. the arrangements and procedure relating to a member's sensitive interests be noted.

16. the Monitoring Officer be given delegated authority to grant dispensations in consultation with an independent person, but with the discretion to refer any request for determination by the Standards panel in consultation with an independent person, and that the standards panel is also given delegated authority to consider appeals against a refusal to grant a dispensation, again in consultation with an independent person.

17. the Council's standards arrangements are reviewed by the Monitoring Officer after 12 months of operation, and the outcome with any recommendations for change is reported to Cabinet and Council for further consideration.

18. in addition to guidance to Members on their duty to register interests, appropriate training be provided to members regarding the Council's new code of conduct, disclosable pecuniary interests and the arrangements for dealing with misconduct allegations.