

	
STANDARDS COMMITTEE	20 January 2012
Report of the Monitoring Officer	

Abolition of the Standards regime – Executive Summary

1 Background

- 1.1 The report describes extensive changes to the current standards regime. Largely these are expected to take effect from 1st July 2012.

2 Key aspects of the new arrangements

- 2.1 The City and Parish Councils will have a statutory duty to promote and maintain high standards of conduct for their members.
- 2.2 Each Council will have to adopt a Code of Conduct compliant with the Nolan principles and including “appropriate” provisions for registering and declaring interests. The Monitoring Officer will maintain all the registers and publish them on the City Council’s website. Parish Councils with a website will also have to publish them.
- 2.3 The Act also requires the registration and disclosure of “Disclosable Pecuniary Interests” (DPIs). Regulations will provide a definition of DPI’s. It will be an offence to fail to register such interest or to participate in discussions at Council meetings when such an interest exists. Disclosure of such interests will generally be via the register. Disclosure at meetings will only be required if the interest is not already registered. The Act does not require a member to leave the room but Standing Orders could. There is no general duty to keep the register up to date unless an issue relating to the interests arises at a meeting.
- 2.4 The Statutory Standards Committee will be abolished. There will still be a need for some Committee structure to deal with allegations that the Code has been breached and the City Council arrangement must cover the Parishes. The report describes various options.

- 2.5 There will be considerably more flexibility in deciding how to manage complaints. The report identifies how some delegation to the Monitoring Officer could address problems inherent in the current system.
- 2.6 Arrangements for dealing with complaints must include a role for an independent person. Current independent members of the Committee do not appear to be eligible. The report identifies roles for this person which go beyond the statutory minimum.
- 2.7 There are no provisions for sanctions within the Localism Act. The report identifies some which might be capable of being imposed.
- 2.8 New arrangements for dispensations are introduced. The power to grant these may be delegated and there could be advantage in doing so in some cases.

3. List of Recommendations

Recommendation One

It is recommended that the Monitoring Officer be instructed to bring a draft Code to the next meeting of the Committee having considered any national models which may have been produced.

Recommendation Two

It is recommended that the Standards Committee indicates support for the following proposal:

- a. that the City Council establish a separate Standards Committee*
- b. That the Monitoring Officer be asked to bring draft terms of reference to the next meeting of the Committee*
- c. The Committee consist of [eight] members of the City Council*
- d. That the Parish Councils be invited to nominate a maximum of 3 Parish Councillors to be co-opted as non-voting members of the Committee*

Recommendation 3

That the Monitoring Officer be instructed to prepare for further approval "arrangements" as follows -

- a. *That the Monitoring Officer be designated as the appropriate Officer to receive complaints of failure to comply with the Code of Conduct;*
- b. *That the Monitoring Officer be given delegated power, after consultation with the Independent Person, to determine whether a complaint merits formal investigation and to arrange such investigation. He be instructed to seek resolution of complaints without formal investigation wherever practicable, and that he be given discretion to refer decisions on investigation to the Standards Committee where he feels that it is inappropriate for him to take the decision, and to report to the Standards Committee on the discharge of this function;*
- c. *Where the investigation finds no evidence of failure to comply with the Code of Conduct, the Monitoring Officer be instructed to close the matter, providing a copy of the report and findings of the investigation to the complainant and to the member concerned, and to the Independent Person, and reporting the findings to the Standards Committee for information;*
- d. *Where the investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer in consultation with the Independent Person be authorised to seek local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to Standards Committee. Where such local resolution is not appropriate or not possible, he is to report the investigation findings to a Hearings Panel of the Standards Committee for local hearing;*
- e. *That Council delegate to Hearings Panels such of its powers as can be delegated to take decisions in respect of a member who is found on hearing to have failed to comply with the Code of Conduct*

Recommendation 4

That the Monitoring Officer advertise a vacancy of the appointment of 1 Independent Person and 2 Reserve Independent Persons

That a Committee comprising the Chair and three other members of Standards Committee be set up to short-list and interview candidates, and to make a recommendation to Council for appointment.

Recommendation 5

- a. *That the Monitoring Officer ensure that all members are informed of their duty to register interests;*
- b. *That the Monitoring Officer arrange to inform and train Parish Clerks on the new registration arrangements*

Recommendation 6

That Standards Committee recommend the introduction of Standing Orders requiring Members to withdraw from the meeting room during the consideration of any item of business in which he or she has a DPI unless a dispensation has been granted

Recommendation 7

- a. *That the City Council be recommended to delegate to the Monitoring Officer the power to grant dispensations on grounds referred to in the report.*
- b. *That the City Council be recommended to delegate to the Standards Committee the power to grant dispensations on all grounds*

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	Report Approved	√	Date 12 January 2012

Background papers

None