

	
STANDARDS COMMITTEE	26 June 2012
Report of the Monitoring Officer	

Transitional Provisions and Implementation Arrangements

1. Summary

- 1.1 This report advises Members of transitional provisions contained in Regulations and makes further recommendations as to steps the Council may need to take as regards implementation.

2. Application of the Code

- 2.1 Section 30(1) of the Localism Act requires Members to notify the Monitoring Officer of their disclosable pecuniary interests (DPI's) before the end of 28 days beginning with the day on which the person becomes a member or co-opted member of the authority. Surprisingly no transitional provisions have been made for existing members. It is therefore difficult to see how the criminal offence of failing to notify (as opposed to those relating to participating in meetings) can be committed by an existing member.
- 2.2 The draft Code being recommended to the City Council retains the "disrepute" provisions of the old Code. The Committee may wish to give an indication as to whether it would consider a failure to notify as coming within that provision or alternatively consider amending the draft Code to require notification within 28 days of the Code coming into effect.

3. Implementation of new Codes

- 3.1 The City Council took the sensible precaution of agreeing an interim provision that the existing Code would continue from 1st July with the addition of the requirements in respect of DPI's. The transitional provisions (which came into effect on 6th June) contain preparatory powers including a power to adopt a Code to take effect on 1st July.

Some commentators have questioned whether, by implication, earlier decisions such as that taken by the City Council are now ineffective.

- 3.2 There is no other transitional provision to keep the current Code alive. The Localism Act abolishes the previous statutory Code. It is therefore important that all Councils adopt a new Code as soon as practicable. The earliest that the City Council can do so is the 12th July.

4. Sanctions

- 4.1 The power to suspend or partially suspend a Member ceased to have effect on 6th June. Disqualification had already been removed as a sanction. The remaining statutory sanctions cease to have effect on 1st July.

5. Current Cases

- 5.1 Existing cases are to be treated as though the allegation has been made under the Localism Act and, presumably, are to be judged against the new Code. The Committee has previously indicated its support for the draft procedures for dealing with allegations annexed to this report which have now been amended to include the appeals process approved at the last meeting. Members are asked to formally adopt these procedures.

6. Independent Person

- 6.1 The transitional provisions now allow existing independent Members to be appointed to the new role of independent person provided that the appointment is made before 1st July 2013. Unfortunately the transitional provisions do not remove the requirement to advertise the position. Ideally the Council should appoint at least one of its independent persons at the Council meeting on 12th July 2012. The Committee is therefore invited to establish a small appointment Panel to make a recommendation to Council.

7. Recommendations

- 7.1 That the Standards Committee considers the implication of the lack of transitional provisions in respect of the requirement to notify interests.
- 7.2 That the Committee adopt the procedures for handling complaints annexed to this report

7.3 That the Committee nominate an appointment Panel to make recommendations to Council in respect of the Independent Person role.

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Background papers

None

Annex

Draft procedures for dealing with complaints