

TITLE OF REPORT: CHANGES TO THE STANDARDS REGIME

REPORT OF THE ACTING MONITORING OFFICER

1 SUMMARY

This report considers the changes being introduced to the Standards Regime by the Localism Act and the final matters to be approved by Council.

2 FORWARD PLAN

This matter is not a key decision and therefore is not included in the forward plan.

3 BACKGROUND

3.1 The Local Government Act 2000 introduced a framework relating to standards of members conduct. This included the adoption of a Members Code of Conduct and the creation of a statutory Standards Committee. Regulations came into force on 8 May 2008 that required the Council's Standards Committee to take on the role of assessment of complaints locally.

3.2 The Localism Act 2011 "The Act" makes fundamental changes to the system of regulation of standards of conduct for Members. It abolishes the current Standards regime including Standards for England (formally abolished on 31 March 2012), statutory Standards Committees, the ten General Principles and the model Code of Conduct.

3.3 Full Council made a number of decisions on the new Standards regime at Annual Council on 17 May 2012. Due to uncertainty caused by the implementation of the relevant sections of the Localism Act a number of matters were not able to be resolved in time for Annual Council.

4 ISSUES

4.1 Council is considering the remaining Standards matters on 12 July 2012. The report to Full Council is attached at Appendix 1 and the Standards Committee are invited to consider and comment on the various proposals set out within the report.

Investigation Procedure

4.2 Council on 17 May 2012 delegated to the Standards Committee approval of the Standards Complaints Investigation procedure. A draft procedure is attached at Appendix 2 and the Committee is recommended to approve the procedure, subject to any comments on the same. The procedure is intended to cover the minimum requirements but not be too prescriptive as the nature of the investigation required for a complaint will vary from case to case.

5. LEGAL IMPLICATIONS

- 5.1 Section 27 of the Localism Act states that there remains a duty on the Council and the Monitoring Officer to promote high standards of conduct.
- 5.2 The terms of reference for Standards Committee include “advising the Council on the adoption or revision of the Members’ Code of Conduct” and “promoting and maintaining high standards of conduct by Councillors and co-opted Members”.

6 FINANCIAL AND RISK IMPLICATIONS

- 6.1 Any investigation required into a complaint against a Member will be met from existing budgets.
- 6.2 The Council needs to ensure it complies with its statutory obligations as set out in the Localism Act 2011.

7 HUMAN RESOURCE AND EQUALITIES IMPLICATIONS

- 7.1 The Equality Act 2010 came into force on the 1st October 2010, a major piece of legislation. The Act also created a new Public Sector Equality Duty, which came into force on the 5th April 2011. There is a General Duty, described in 7.2, that public bodies must meet, underpinned by more specific duties which are designed to help meet them.
- 7.2 In line with the Public Sector Equality Duty, public bodies must, in the exercise of its functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

8. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

None arising from this report

9. RECOMMENDATIONS

- 9.1 That Standards Committee provide any comments on the report to Council on 12 July 2012 attached at Appendix 1, for consideration at the Council meeting.
- 9.2 Standards Committee approves the draft Investigation Procedure attached at Appendix 2.

10. REASONS FOR RECOMMENDATIONS

To ensure the Council meets its statutory obligations and continues to improve its working practices

11. ALTERNATIVE OPTIONS CONSIDERED

None.

12. APPENDICES

Appendix 1: Report to Council, 12 July 2012

Appendix 2: Investigation Procedure

13. CONTACT OFFICERS

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14. BACKGROUND PAPERS

Report to Annual Council 17 May 2012.