

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO POLICY & FINANCE COMMITTEE

Agenda Item No.

meeting date: 24 JANUARY 2012
 title: CHANGES TO THE STANDARDS REGIME RESULTING FROM THE LOCALISM ACT 2012
 submitted by: CHIEF EXECUTIVE
 principal author: HEAD OF LEGAL AND DEMOCRATIC SERVICES

1 PURPOSE

- 1.1 To inform Committee about the changes to the standards regime, namely the system of regulation of standards of conduct for elected and co-opted Members, resulting from the Localism Act 2011 and the timescale for making the necessary adaptations to the Council's arrangements.

2 BACKGROUND

- 2.1 A summary of some of the main changes made by the Localism Act 2011 (the Act) is set out below at 3. The proposed timetable for ensuring that the Council is able to meet the requirements of the Act as follows.

1 February 2012 – the Council's Standards Committee will consider the changes made by the Act in detail and will make suggestions to the Council's Policy and Finance Committee as to how the Council should implement the changes.

27 March 2012 – the Policy and Finance Committee will consider the changes. This matter falls within the remit of the Policy and Finance Committee to the extent that the Committee is responsible for considering the powers and duties of Committees. The current changes affect how the Council organises its duties via its Committees.

24 April 2012 – the meeting of the Full Council, will consider the proposed changes and approve all matters, in order that implementation can commence eg via changes at the Annual meeting in the terms of reference of Committees, number of Committee meetings, appropriate size of Committee; formulation of the code of conduct and recruitment of Independent persons.

- 2.2 The present arrangements will remain in force until the 1 July 2012.

3 ISSUES

Duty of the Council

- 3.1 The Localism Act 2011 makes fundamental changes to the system of regulation of standards of conduct for elected and co-opted Members, however, the Council will remain under the same duty to promote and maintain high standards of conduct.

Standards Committee

- 3.2 The requirement to have a Standards Committee which meets the requirements of Section 55 of the Local Government Act 2000 will cease.

- 3.3 However, the Council will still have to have arrangements in place to deal with standards issues including complaints relating to the conduct of elected Members.
- 3.4 The Council will therefore have to decide which Committee will take responsibility for standards issues.
- 3.5 In addition, the Council will have to decide to what extent it wishes to involve representatives from Parish Councils. The Council will remain under a duty to deal with standards complaints against elected and appointed Members of Parish Councils but will not retain the requirement to have Parish Council Members on any Committee considering such complaints.

Code of Conduct and Register of Interests

- 3.6 The current model Code of Conduct will be repealed, however, the Council will be required to adopt a new Code of Conduct governing elected and co-opted Members' conduct. The new Code must be consistent with seven principles:
- selflessness
 - integrity
 - objectivity
 - accountability
 - openness
 - honesty
 - leadership

The Council has a discretion about what is included within the new Code provided it is consistent with the seven principles.

- 3.7 Various draft Codes are in circulation including a Lancashire wide Code of Conduct and a model Code drafted at national level in liaison with ACSES (Association of Council Secretaries and Solicitors).

Register of Members Interests

- 3.8 There will also still be a requirement for a register of Disclosable pecuniary interests (DPIs).
- 3.9 Members who have a DPI will be prevented from participating in authority business.
- 3.10 Each elected or co-opted Member must disclose all pecuniary interests within 28 days of becoming a Member. Failure to register is made a criminal offence but does not prevent the Member from acting as a Member. The Monitoring Officer is required to prepare and maintain a register of these interests and to ensure that all Members are informed of their duty to register.

Dealing with Misconduct Complaints

- 3.11 The Act requires the Council to adopt arrangements for dealing with complaints where there is an alleged breach of the Code of Conduct by the District or Parish

Council Members. The arrangements must set out in some detail the process for dealing with complaints and the actions which may be taken against a Member who has failed to comply with the relevant Code of Conduct. The current requirements set out under the initial assessment regime will cease to operate.

Independent Persons

- 3.12 The Council's current Standards Committee includes four independent Members. The requirement to have a Standards Committee in this format will cease, however, the requirement to have independent persons will remain albeit in a different form. The independent person must be appointed through a process of public advertisement application and appointment by a positive vote by all Members of the District Council (not just those present and voting).
- 3.13 There are various restrictions as to who can be an independent person, the independent person must be consulted before the Council makes a finding as to whether or not a Member has failed to comply with the Code of Conduct. The current recommendation is that the Council should appoint at least two and possibly more independent persons.

4 RECOMMENDED THAT COMMITTEE

- 4.1 Note the changes that will be required as a result of the Localism Act 2011.
- 4.2 Note the timetable set out above.

CHIEF EXECUTIVE

For further information please ask for Diane Rice, extension 4418.