
NEW STANDARDS REGIME – UPDATE

1 SUMMARY

- 1.1 This report provides Members with information on the activities of the Standards Committee in 2012/13 and an update on changes made to the Standards regime following implementation of the Localism Act 2011.

2 INTRODUCTION

- 2.1 The Standards Committee has worked to implement the changes made to the Standards regime in the Localism Act 2011.
- 2.2 There have been three standards complaints made during the period April 2012 to March 2013; details are attached as an appendix.

3 ARRANGEMENTS

- 3.1 The Council is under a statutory duty to promote and maintain high standards of conduct and this is part of the remit of the Standards Committee. Following the changes introduced by the Localism Act 2011 a new Code of Conduct was approved by the Council and came into force on 1 July 2012 incorporating The Relevant Authorities' (Disclosable Pecuniary Interests) Regulations 2012 dealing with the recording and disclosure of interests.
- 3.2 All Town/Parish Councils within the District have also adopted the same Code of Conduct, which ensures consistency in approach and understanding of conduct issues.
- 3.3 Arrangements have been put in place to prepare and maintain new Registers of Interests for District Members and Members of Parish/Town Councils, which are available for inspection, as required by the Act. The register is required to be publically available and in electronic form and this is available in respect of both Members of the District Council and Parish/Town Council Members on the District Council website. Information has also been provided on the Council's website of the standards arrangements, procedures and process for dealing with complaints.
- 3.4 The use of dispensations has been delegated to the Monitoring Officer at District Council level and is the responsibility of the individual Town and Parish Councils at Town and Parish level.
- 3.5 A protocol for Independent Persons has been agreed, together with revised rules and procedures for the investigation and determination of complaints.
- 3.6 Training to explain the new arrangements has been held for District and Parish/Town Council Members.

4 THE STANDARDS COMMITTEE

- 4.1 The legislation requires the Council to appoint at least one Independent Person to be consulted and advise on Standards complaints. The Council has appointed four Independent Persons, all of whom were previously Independent Members of the Standards Committee under the former arrangements.
- 4.2 The Independent Person's role has changed significantly and their attendance at the Standards Committee is as an invitee rather than as a voting Member. Likewise, the position of Parish Members has changed, with their co-option as non-voting representatives on the Committee.
- 4.3 The composition of the Standards Committee since 1 July 2012 comprises eight District Council Members, three co-opted non-voting Parish Council Members and the four Independent Persons who attend as invitees.

5 PROCEDURE FOR DEALING WITH COMPLAINTS

- 5.1 The Monitoring Officer is appointed as the Proper Officer to receive complaints and may consult with an Independent Person before taking a decision as to whether or not the complaint merits further investigation. The Monitoring Officer can either refer the matter to a Standards Sub-Committee for a hearing or, in consultation with an Independent Person, seek an informal resolution of the matter. Full details of the procedures and guidance is available on the Council's website and in pamphlet form.
- 5.2 The Standards Sub-Committee has authority to take decisions in respect of a Member who is found on hearing to have failed to comply with the Code of Conduct. The Sub-Committee is constituted on an ad hoc basis when a hearing is required and comprises four Standards Committee District Councillors with voting rights and one Parish Councillor. An Independent Person is also invited to all Sub-Committee meetings to offer advice as required.

6 COMPLAINTS RECEIVED

- 6.1 There have been three substantive cases, which are set out in the appendix to this report. Two of these cases involved District Councillors and the other involved a Parish Councillor. In the first case it was alleged that the District Councillor had brought his position and the Authority into disrepute. However, it was concluded that the Councillor's reported conduct was not subject to the Code and so the case was not progressed. The second case involved an allegation of a District Councillor bringing the Authority into disrepute. This did not fall within the remit of the Code, as the matter did not relate to Council business, and so no action was taken. The case involving a Parish Councillor relates to an alleged breach of confidentiality and is on-going.

7 DISPENSATIONS

- 7.1 The Monitoring Officer granted a general dispensation in November 2012 to all District Members to enable decisions to be taken in respect of setting the council tax and allowances. Provision for such matters was previously expressly contained in the Local Government Act 2000. Parish Councils were advised to adopt a similar approach regarding these matters.

8 RISK IMPLICATIONS

- 8.1 The Monitoring Officer has provided advice to both District Council Members and Town/Parish Members and Clerks on the new Code of Conduct and the requirements in respect of the public register of interests.
- 8.2 There is reputational risk to the Council if adequate arrangements are not in place to maintain standards of conduct and deal with complaints and allegations of impropriety.
- 8.3 Without appropriate measures in place public confidence could be eroded and principles of good governance undermined.

9 LEGAL IMPLICATIONS

- 9.1 The Council has a legal obligation to adopt a Code of Conduct and maintain high standards of conduct.

10 PARISH IMPLICATIONS

- 10.1 The arrangements introduced by the Localism Act apply equally to Town/Parish Councils.

11 RECOMMENDATION

- 11.1 It is proposed that the Committee **RESOLVES** to note the above report.

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Background Papers:-

None.

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If you would like this report in large print, Braille or another language please contact 01702 318111.

**ROCHFORD DISTRICT COUNCIL STANDARDS COMMITTEE
STANDARDS COMPLAINTS**

April 2012 – to – March 2013

Case No.	Date Complaint Received	District or Parish	Relevant Section of the Code	Status	Action / Concluded
SC0011/12	30 July 2012	District	Bringing the Authority into disrepute - Para. 3(e)	Consulted with two of the Council's appointed Independent Persons. Final letters sent on 19 October 2012.	Completed. Not within remit of Code.
SC0011A/12	22 August 2012	District	Bringing the Authority into disrepute - Para. 3(e)	Final letter sent on 6 September 2012.	Completed. Not within remit of Code.
SC0012/13	15 January 2013	Parish	Breach of confidentiality – Para 4(a)	On-going	