
REPORTS FROM THE EXECUTIVE AND COMMITTEES TO COUNCIL

1 REPORT OF THE REVIEW COMMITTEE

Annual Report

- 1.1 The Constitution states that ‘the Review Committee must report annually to Full Council on its workings and make recommendations for future work programmes and amended working methods if appropriate’.
- 1.2 At its meeting on 11 April 2012 the Review Committee approved its Annual Report for submission to Council.
- 1.3 It is proposed that Council **RESOLVES** to receive the Annual Report as attached at appendix 1. (HLEMS)

2 REPORT OF THE STANDARDS COMMITTEE

The Localism Act 2011 – The New Standards Regime

- 2.1 This item of business was referred by the Standards Committee on 12 April 2012 to Full Council with recommendations relating to the implementation of the new standards regime. An extract of the key elements of the report of the Head of Legal, Estates and Member Services and Monitoring Officer to the Standards Committee is attached at Appendix 2.
- 2.2 The Committee noted that, whilst the Department of Communities and Local Government had recently produced an example model code of Conduct and the Local Government Association had provided some documentation to support Councils in developing a Code, these represented broad statements of principle rather than specific detail.
- 2.3 The Committee endorsed the proposed Code of Conduct, subject to inclusion of the word ‘or’ at the end of paragraph 4(a)(i).
- 2.4 With regard to Independent Persons, the Committee agreed that there would be value in having three appointees. This would facilitate interaction and avoid potential feelings of isolation. Three appointees would usefully increase the available resource given the potential problems of conflict that could be associated with having only one Independent Person when the role includes being able to be consulted by both the District Council before reaching a finding and a Member against whom a complaint has been made.
- 2.5 It is proposed that Council **RESOLVES**:-
 - (1) That a Standards Committee comprising eight elected Members of the District Council, appointed proportionally, and three Parish Council co-opted non-voting Members be established to commence with effect

from 1 July 2012. The Committee to deal with standards issues and associated case work and to continue the current Committee's involvement with Member training.

- (2) That Mr M Drage and Mrs L Walker be appointed as Independent Members of the Standards Committee for the 2012/13 Municipal Year up to 1 July 2012.
- (3) That authority be delegated to the Monitoring Officer, after consultation with the Chairman of the Standards Committee and the Leader of the Council, to amend the Code of Conduct to take account of the provisions of any forthcoming primary or subordinate legislation enacted and the publication of regulations relating to registration and disclosure.
- (4) That, subject to (3) above and inclusion of the word 'or' at the end of paragraph 4(a)(i), the Code of Conduct, as appended to the report of the Head of Legal, Estates and Member Services, be adopted to be effective from 1 July 2012 or such other date as may be appointed by the Secretary of State for the provisions of section 27 Localism Act 2011 to come into force.
- (5) That the current Member undertaking on acceptance of office regarding compliance with the Code of Conduct remains unchanged.
- (6) That the Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct.
- (7) That authority be delegated to the Monitoring Officer, after consultation with the Independent Person, to determine whether a complaint merits formal investigation and to arrange such investigation. The Monitoring Officer to seek resolution of complaints without formal investigation wherever practicable, and to have discretion to refer decisions on an investigation to the Standards Committee where the Monitoring Officer feels that it would be inappropriate to take the decision, and to report annually to the Standards Committee on the discharge of this function.
- (8) That, where an investigation finds no evidence of failure to comply with the Code of Conduct, the Monitoring Officer close the matter, providing a copy of the report and findings of the investigation to the complainant, to the Member concerned and to the Independent Person, and reporting the findings to the Standards Committee for information.
- (9) That, where an investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer, in consultation with the Independent Person, 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, the Monitoring Officer is to report the investigation findings to a Hearings Panel (Sub-Committee) of the Standards Committee for local hearing.

- (10) That authority be delegated to Hearing Panels (Sub-Committees of the Standards Committee) to take decisions in respect of a Member who is found on hearing to have failed to comply with the Code of Conduct, such decisions to include:-
- Reporting findings to the Council [*or to the Parish Council*] for information;
 - Recommending to the Member's Group Leader (or in the case of un-grouped Members, recommending to Council) that he/she be removed from any or all Committees or Sub-Committees.
 - Recommending to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
 - Instructing the Monitoring Officer to [*or recommending that the Parish Council*] arrange training for the Member;
 - Removing [*or recommending to the Parish Council that the Member be removed*] from all outside appointments to which he/she has been appointed or nominated by the Authority [*or by the Parish Council*];
 - Withdrawing [*or recommending to the Parish Council that it withdraws*] facilities provided to the Member by the Council, such as a website and/or email and Internet access; or
 - Excluding [*or recommending that the Parish Council exclude*] the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- (11) That the Monitoring Officer, in consultation with the Chairman of the Standards Committee and the Leader of the Council, be authorised to set the initial allowances and expenses for the Independent Persons and that this function be subsequently delegated to the Standards Committee. In terms of appointment:-
- (a) The Monitoring Officer to advertise vacancies for the appointment of three Independent Persons.
 - (b) A Panel, comprising three Members of the Standards Committee, be set up to short-list and interview candidates and to make recommendations to Council for appointment.

- (12) That the Monitoring Officer prepare and maintain a new Register of Members Interests to comply with the requirements of the Act and the Council's Code of Conduct and ensure that it is available for inspection as required by the Act. The Monitoring Officer to also:-
- (a) Ensure that all Members are informed of their duty to register interests.
 - (b) Prepare and maintain new Registers of Members' Interests for each Parish Council to comply with the Act and any Code of Conduct adopted by each Parish Council, and ensure that it is available for inspection as required by the Act.
 - (c) Inform Parish Clerks on the new registration arrangements.
- (13) That the Constitution be amended to include a requirement that a Member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which he/she has a Disclosable Pecuniary Interest, except where he/she is permitted to remain as a result of the grant of a dispensation.
- (14) That, in terms of the granting of dispensations:-
- (a) Authority be delegated to the Monitoring Officer to grant dispensations with an appeal to the Standards Committee in the following circumstances:-
 - That so many members of the decision-making body have Disclosable Pecuniary Interests in a matter that it would 'impede the transaction of the business'.
 - That, without a dispensation, no member of the Cabinet would be able to participate in the matter.
 - (b) Authority be delegated to the Standards Committee, after consultation with an Independent Person, to grant dispensations in the following circumstances:-
 - That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter.
 - That the Authority considers that the dispensation is in the interests of persons living in the Authority's area.
 - That the Authority considers that it is otherwise appropriate to grant a dispensation.

- (15) That appropriate adjustments be made to the Council's Constitution to reflect the above decisions and that the Monitoring Officer submit revised rules of procedure for the investigation and determination of complaints ('arrangements') to the meeting of the Standards Committee scheduled for 12 June 2012 for final endorsement.
(HLEMS)

Review Committee Annual Report 2011/2012



