

## **COUNCIL – 20 MARCH 2012**

### **LOCAL AUTHORITY STANDARDS**

#### **Report by Head of Law and Governance**

##### **Introduction**

1. At its meeting in December 2011, the Standards Committee gave initial consideration to the standards implications of the Localism Act. At that time, the Committee was minded to recommend Council to retain a standards committee under the new regime. However, the Committee met on 5 March 2012 to consider the implications of the Act in more detail and is now making specific recommendations to full Council about the future shape of standards arrangements for the County Council. This report sets out the Committee's recommendations for resolving local complaints against members.

##### **Background**

2. The Coalition Government proposals with regards to fulfilling their commitment to abolish the standards regime are now in place. The key changes are:
  - a) Abolishing predetermination rule to allow Local Members to speak up on local issues;
  - b) Abolition of Standards for England;
  - c) Local Councils to make provision for their own local arrangements for maintaining standards;
  - d) Requirement to have a Local Code of Conduct (with reduced number of key principles);
  - e) Freedom to make their own arrangements for handling and investigating complaints;
  - f) Requirement to consult an Independent person;
  - g) Limitation of sanctions against misconduct;
  - h) Criminal sanction introduced for failing to register and declare a pecuniary interest (with safeguards).
3. The remit of the Government is that Members should be responsible for their own conduct but that they should be answerable to the electorate for their conduct and answerable to the Court if they have broken the law. In many respects it is a return to the pre 1999 position whereby complaints were handled by the Monitoring Officer in close liaison with the Chief Executive and relevant Group Leaders.

4. The law requires the Council to promote and maintain high standards, to adopt a local Code of Conduct and to have in place arrangements for investigating and deciding on any allegations of a breach of the Code. Therefore, there needs to be agreed arrangements as to how these matters will be dealt with in a proper manner, which is politically neutral and independent from undue influence. The Monitoring Officer has the statutory responsibility for these arrangements and will need to ensure an appropriate procedure is in place.
5. At the meeting of Standards Committee on 5 March 2012 consideration was given to suggesting a new arrangement which would reflect these aims.
6. It has not been possible to finalise these arrangements and submit a Code of Conduct for Council's approval as the relevant regulations dealing with the members' register of interests has yet to be published.

## **Proposal**

7. The Committee is therefore recommending the following arrangement to Council, whereby a standards committee is not reappointed and alternative arrangements are put in place. It is suggested that a member /officer Working Group be set up along the lines of the existing Audit Working Group, thereby creating a pool of members who could be involved in handling complaints about Councillors under any revised Code of Conduct. Its work would be reported to the Audit Committee, giving the assurance of formal Member oversight. The Monitoring Officer would include reference to this work in his Annual Monitoring Report, which already goes to the Audit Committee.
8. Adopting this arrangement would simply require the slight expansion of the terms of reference of the Audit Committee to reflect its oversight of the standards matters. The advantage is that this avoids the necessity of having an additional statutory Committee solely to deal with standards and becomes part of the wider governance framework whilst still maintaining proper Member oversight and ownership.
9. In making such a change, and to reflect it more clearly, it might be appropriate to expand the title of the current Audit Committee to the "Audit and Governance Committee". The Audit Committee is well used to handling confidential matters in both an informal and a formal manner and in general terms is 'non-political' in its role and outlook.
10. The Chief Executive and the Monitoring Officer regard this as the minimum arrangements that should be place in order for the Monitoring Officer to fulfil his statutory obligations as regards Member standards under the Localism Act. This proposal, therefore, has the general support of the Chief Executive, the Monitoring Officer, Group Leaders and the Chairman of the Audit Committee.

## **RECOMMENDATION**

11. The Standards Committee RECOMMEND Council that:
- (a) a Standards Committee is not appointed under the Localism Act 2011;
  - (b) The Audit Committee be renamed as the Audit & Governance Committee and its terms of reference expanded to include overview of member standards;
  - (c) a member-officer working group be appointed to enable consideration of standards complaints against members of the Council reporting to the Audit & Governance Committee;
  - (d) The Monitoring Officer to submit for Council's approval an appropriate procedure for the handling of complaints.

**PETER G CLARK**

County Solicitor & Monitoring Officer

Background papers: The Localism Act 2011

Contact Officer: Peter Clark

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