

## ADOPTION OF RECOMMENDATIONS

The Council is asked to consider the following recommendations:

### **a. Standards Committee - 21 February 2012**

#### **Minute No. 549 - THE LOCALISM ACT 2011 - THE AMENDED STANDARDS REGIME**

Issue One - The Council must decide whether to set up a Standards Committee, and how it is to be composed

Recommended:

- (1) That subject to discussion with the Group Leaders the Council establishes a Standards Committee appointed proportionally.
- (2) That the Leader of the Council be asked to limit the nomination of only one Cabinet Member representative on the Standards Committee.
- (3) That the Monitoring Officer examines the ways of establishing a Joint Committee with Parish Councils, including introducing voting rights for Parish Councillors.

Issue Two - The Council has to decide what it will include in its Code of Conduct

Recommended:

- (1) That the Monitoring Officer be instructed to prepare and present to Council for adoption a draft Code of Conduct. That draft Code should:
  - i. equate to Paragraphs 3 to 7 (Appendix II in the report) of the current Code of Conduct applied to Member conduct in the capacity of an elected or co-opted Member of the Council or its Committees and Sub-Committees; and
  - ii. require registration and disclosure of interests which would today constitute personal and/or prejudicial interests, but only require withdrawal as required by the Act in relation to Disclosable Pecuniary Interests.
- (2) That, when the Disclosable Pecuniary Interests Regulations are published, the Monitoring Officer, after consultation with the Chair of Standards Committee and the Leader, add to that draft Code provisions which he considers to be appropriate for the registration and disclosure of interests other than DPis.

Issue Three - The Council has to decide what 'arrangements' it will adopt for dealing with standards complaints and for taking action where a Member is found to have failed to comply with the Code of Conduct

Recommended:

- (1) That the Monitoring Officer be instructed to prepare and submit to Council for approval 'arrangements' as follows:
  - (a) That the Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct;

(b) That the Monitoring Officer be given delegated power, after consultation with the Independent Person, to determine whether a complaint merits formal investigation and to arrange such investigation. He be instructed to seek resolution of complaints without formal investigation wherever practicable, and that he be given discretion to refer decisions on investigation to the Standards Committee where he feels that it is inappropriate for him to take the decision, and to report regularly to the Standards Committee on the discharge of this function;

(c) Where the investigation finds no evidence of failure to comply with the Code of Conduct, the Monitoring Officer be instructed to close the matter, providing a copy of the report and findings of the investigation to the complainant and to the Member concerned, and to the Independent Person, and reporting the findings to the Standards Committee for information;

(d) Where the investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer, in consultation with the Independent Person, be authorised to seek local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to the Standards Committee. Where such local resolution is not appropriate or not possible, he is to report the investigation findings to a Hearings Panel of the Standards Committee for local hearing;

(e) That Council delegate to Hearings Panels such of its powers as can be delegated to take decisions in respect of a Member who is found on hearing to have failed to comply with the Code of Conduct, such actions to include:

(i) Reporting its findings to Council [or to the Parish Council] for information;

(ii) Recommending to the Member's Group Leader (or in the case of un-grouped Members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;

(iii) Recommending to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;

(iv) Instructing the Monitoring Officer to [or recommend that the Parish Council] arrange training for the Member;

(v) Removing [or recommend 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];

(vi) Withdrawing [or recommend to the Parish Council that it withdraws] facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or

(vii) Excluding [or recommend 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.

(2) That a meeting be arranged between the Chair of the Standards Committee and the Group Leaders for the Borough Council and representatives of Parish Councils to discuss how the new system could best operate.

#### Issue Four - How many Independent Persons were required?

Recommended:

(1) That the Monitoring Officer, in consultation with the Chair of the Standards Committee and the Leader, and with the advice of the Head of Human Resources, be authorised to set the initial allowances and expenses for the Independent Person and any Reserve Independent Persons, and this function subsequently be delegated to the Standards Committee;

(2) That the Monitoring Officer advertises a vacancy of the appointment of 1 Independent Person and 2 Reserve Independent Persons;

(3) That a Committee comprising the Chair and two other Members of the Standards Committee be set up to short-list and interview candidates, and to make a recommendation to Council for appointment.

#### Issue Five - Preparation of the Registers

Recommended:

(1) That the Monitoring Officer prepare and maintain a new register of Members interests to comply with the requirements of the Act and of the Council's Code of Conduct, once adopted, and ensure that it was available for inspection as required by the Act;

(2) That the Monitoring Officer ensures that all Members were informed of their duty to register interests;

(3) That the Monitoring Officer 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 was available for inspection as required by the Act; and

(4) That the Monitoring Officer arrange to inform and train Parish Clerks on the new registration arrangements.

#### Issue Six - What Standing Order should the Council adopt in respect of withdrawal from meetings for interests?

Recommended:

(1) The Monitoring Officer be instructed to recommend to Council a Procedure Rule which equates to the current Code of Conduct 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 DPI, except where he/she is permitted to remain as a result of the grant of a dispensation.

#### Issue Seven - In what circumstances should Procedure Rules exclude single Members from attending meetings while the matter in which they have a DPI is being discussed or voted upon?

Recommended:

(1) In respect of single Member decisions, the Monitoring Officer be instructed to recommend to Council a Procedure Rule which equates to the current Code of Conduct 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 DPI, except where he is permitted to remain as a result of the grant of a dispensation.

#### Issue Eight - What arrangements would be appropriate for granting dispensations?

Recommended:

(1) That Council delegate the power to grant dispensations:

(i) on grounds set out in Paragraph 55 (1) and (4) of this report to the Monitoring Officer with an appeal to Standards Committee, and

(ii) on grounds set out in Paragraph 55 (2), (3) and (5) to the Standards Committee, after consultation with the Independent Person.

## **b. Audit Committee - 8 March 2012**

### **Minute No. 581 - CERTIFICATION OF CLAIMS AND RETURNS - ANNUAL REPORT**

Recommended:

- (1) That the certification of claims and returns - annual report be noted.

## **c. Cabinet - 18 April 2012**

### **Minute No. 657 - CORPORATE PLAN**

Recommended:

- (1) That Council reviews and consider the proposed changes.
- (2) That delegated authority be given to the Chief Executive, in consultation with the Leader of the Council, to agree any final amendments.
- (3) That delegated authority be given to the Chief Executive, in consultation with the Cabinet Member for Performance, to update the performance monitoring framework.

## **d. General Purposes Committee - 1 May 2012**

### **Minute No. 679 - THE LOCALISM ACT 2011 - THE AMENDED STANDARDS REGIME**

Issue One - The Council must decide whether to set up a Standards Committee, and how it is to be composed

Recommended:

- (1) That the Standards Committee comprises of 11 Members and have three non-voting co-opted Parish representatives to be nominated in a similar way to the current representatives of existing Standards Committee.
- (2) That a Hearings Panels be appointed comprising of three Members drawn from the membership of the Standards Committee.

Issue Two - The Council has to decide what it will include in its Code of Conduct

Recommended:

- (1) That the Council adopt the Code of Code of Conduct with effect from 1 July 2012.
- (2) That, when the Disclosable Pecuniary Interests (DPI) Regulations are published, the Monitoring Officer, after consultation with the Chair of Standards Committee and the Leader, add to that draft Code provisions which he considers to be appropriate for the registration and disclosure of interests other than DPIs.

Issue Three - The Council has to decide what 'arrangements' it will adopt for dealing with standards complaints and for taking action where a Member is found to have failed to comply with the Code of Conduct

Recommended:

- (1) That the Monitoring Officer be instructed to prepare and submit to Council for approval 'arrangements' as follows -

- (a) That the Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct;
- (b) That the Monitoring Officer be given delegated power, after consultation with the Independent Person, to determine whether a complaint merits formal investigation and to arrange such investigation. He be instructed to seek resolution of complaints without formal investigation wherever practicable, and that he be given discretion to refer decisions on investigation to the Standards Committee where he feels that it is inappropriate for him to take the decision, and to report regularly to the Standards Committee on the discharge of this function;
- (c) That where the investigation finds no evidence of failure to comply with the Code of Conduct, the Monitoring Officer be instructed to close the matter, providing a copy of the report and findings of the investigation to the complainant and to the Member concerned, and to the Independent Person, and reporting the findings to the Standards Committee for information;
- (d) That where the investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer, in consultation with the Independent Person, be authorised to seek local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to the Standards Committee. Where such local resolution is not appropriate or not possible, he is to report the investigation findings to a Hearings Panel of the Standards Committee for local hearing;
- (e) That Council delegate to Hearings Panels such of its powers as can be delegated to take decisions in respect of a Member who is found on hearing to have failed to comply with the Code of Conduct, such actions to include:
  - 1. Reporting its findings to Council [or to the Parish Council] for information;
  - 2. Recommending to the Member's Group Leader (or in the case of un-grouped Members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
  - 3. Recommending to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
  - 4. Instructing the Monitoring Officer to [or recommend that the Parish Council] arrange training for the Member;
  - 5. Removing [or recommend 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];
  - 6. Withdrawing [or recommend to the Parish Council that it withdraws] facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or
  - 7. Excluding [or recommend 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.

#### Issue Four - How many Independent Persons were required?

Recommended:

- (1) That the initial allowances and expenses for the Independent Person and any Reserve Independent Persons are set on a travelling and subsistence expenses only basis, and this function subsequently be delegated to the Standards Committee.

(2) That the Monitoring Officer advertises a vacancy of the appointment of one Independent Person and two Reserve Independent Persons.

(3) That an Interview panel comprising the Leader and the Monitoring Officer be set up to shortlist and interview candidates, and to make a recommendation to Council for appointment.

#### Issue Five - Preparation of the Registers

Recommended:

(1) That the Monitoring Officer prepare and maintain a new register of Members interests to comply with the requirements of the Act and of the Council's Code of Conduct, once adopted, and ensure that it was available for inspection as required by the Act;

(2) That the Monitoring Officer ensures that all Members were informed of their duty to register interests;

(3) That the Monitoring Officer 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 was available for inspection as required by the Act; and

(4) That the Monitoring Officer arranges to inform and train Parish Clerks on the new registration arrangements.

#### Issue Six - What Standing Order should the Council adopt in respect of withdrawal from meetings for interests?

Recommended:

(1) That the Monitoring Officer be instructed to recommend to Council a Procedure Rule which equates to the current Code of Conduct 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.

#### Issue Seven - In what circumstances should Procedure Rules exclude single Members from attending meetings while the matter in which they have a DPI is being discussed or voted upon?

Recommended:

(1) That in respect of single Member decisions, the Monitoring Officer be instructed to recommend to Council a Procedure Rule which equates to the current Code of Conduct 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 is permitted to remain as a result of the grant of a dispensation.

#### Issue Eight - What arrangements would be appropriate for granting dispensations?

Recommended:

(1) That Council delegate the power to grant dispensations:

1. on Grounds:

(a) That so many Members of the decision-making body have Disclosable Pecuniary Interest in a matter that it would 'impede the transaction of the business'. In practice this means that the decision-making body would be inquorate as a result; or

(b) That, without a dispensation, no Member of the Cabinet would be able to participate on this matter (so, the assumption is that, where the Cabinet would be inquorate as a result, the

matter can then be dealt with by an individual Cabinet Member. It will be necessary to make provision in the scheme of delegations from the Leader to cover this, admittedly unlikely, eventuality) to the Monitoring Officer with an appeal to Standards Committee, and

2. on Grounds:

- (a) 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. This assumes that Members are predetermined to vote on party lines on the matter, in which case, it would be inappropriate to grant a dispensation to enable them to participate; or
- (b) That the authority considers that the dispensation is in the interests of persons living in the authority's area; or
- (c) That the authority considers that it is otherwise appropriate to grant a dispensation to the Standards Committee, after consultation with the Independent Person.