

Minute No. 203 of the Cabinet held on 23rd May, 2012.

LOCALISM ACT 2011 AND STANDARDS REGIME

Councillor Akhtar, Deputy Leader, introduced a report by the Strategic Director of Resources, which contained details of the changes to the standards regime in consequence of the enactment of Chapter 7 (Sections 26 – 37) of the Localism Act 2011 (“the Act”); and the options for consideration by the Cabinet with a view to making recommendations to the full Council.

The report has been considered by the Standards Committee, the response of which formed part of the report. The Committee’s views were also reproduced in the body of the report in bold italics with the Monitoring Officer’s comments immediately following.

The Localism Act 2011 made fundamental changes to the system of regulation of standards of conduct for Elected and Co-opted Councillors and the date for implementation of these changes was proposed to be 1st April 2012, but is now expected to be 1st July, 2012.

This report described and set out in detail the changes and recommended the actions required for the Council to implement the new regime.

There would be some costs associated with the transition from the current arrangement to the new arrangements including the costs of advertising and appointing Independent Persons.

Cabinet Members referred to the criteria for the role of an Independent Person and how their services may be utilised across South Yorkshire.

Recommended:- (1) That the Standards Committee be comprised of eight Elected Members of the Council and five Independent Members.

(2) That the Leader of the Council be requested to consider whether to nominate to the Standards Committee one or more members who are members of the Cabinet.

(3) That the Parish Councils be invited:-

- **to indicate whether they wish to delegate their functions in relation to the standards of conduct of their members to the Council and to adopt the Council’s code of conduct, and if so**
- **to nominate a maximum of three Parish Councillors to be co-opted as voting members of the Committee.**

(4) That with regards to the “arrangements” for dealing with standards complaints the Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the code of conduct.

(5) That having regard to the current Standard Committee’s Local Assessment Criteria and in particular Paragraph 6 (seriousness of the complaint) the Monitoring Officer be delegated to determine whether the complaint should be referred for consideration by a sub-committee of the Standards Committee, comprising not less than three and no more than five co-opted independent members of the Standards Committee, or otherwise dealt with by her.

(6) That the sub-committee's terms of reference be to consider complaints of failure to comply with the code of conduct and to make recommendations to the Standards Committee for consideration by the Committee as to whether or not to direct the investigation of a complaint.

(7) That the Monitoring Officer be instructed to seek resolution of complaints without formal investigation wherever practicable and to report quarterly to the Standards Committee on the discharge of this function.

(8) 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.

(9) 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, in appropriate cases, with a summary report for information to the Standards Committee. Where such local resolution is not appropriate or not possible, she be required to report the investigation findings to a consideration and hearings panel of the Standards Committee for hearing and determination by the panel, the panel having first sought and taken into account the independent person's views.

(10) That the full Council be requested to delegate to consideration and 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:-

- reporting its findings to the full, or to the Parish Council, for information;
- recommending to the full Council publication of the decision that the member had breached the code of conduct;
- recommending to the full Council formal censure of the Member through an appropriate motion;
- recommending to full Council for recommendation to the Member's Group Leader (or in the case of ungrouped members, recommend to full Council) that he/she be removed from any or all committees or sub-committees of the Council;
- recommending to the Leader of the Council that the member be removed from the Cabinet, or removed from particular portfolio responsibilities;
- recommending to the full Council, or to the Parish Council, the removal of the member from all outside appointments to which he/she has been appointed or nominated by the Council or by the Parish Council;
- instructing the Monitoring Officer to, or recommending that the Parish Council, arrange training for the Member.

(11) That with regard to Independent Persons the Monitoring Officer, in consultation with the Leader and Deputy Leader and leader of the Opposition, and with the advice of the Director of Human Resources be authorised to set the initial allowances and

expenses for the Independent Person, and this function subsequently be delegated to the Independent Remuneration Panel having regard to the views of the Chair from time to time of the Standards Committee.

(12) That the Monitoring Officer be authorised to advertise a vacancy for the appointment of one Independent Person.

(13) That a sub-committee comprising the Chair and three other Members of the current Standards Committee be set up to short-list and interview candidates and to make a recommendation to full Council for appointment.

(14) That the Monitoring Officer liaise with the Monitoring Officers of Barnsley, Doncaster and Sheffield Councils, in relation to their respective appointment of an Independent Person or persons, with a view to agreeing an arrangement whereby each council may utilise the services of the independent persons appointed by the others in cases where its own independent person is conflicted from acting.

(15) That with regards to the preparation of the registers the Monitoring Officer be instructed to 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 is available for inspection as required by the Act.

(16) That the Monitoring officer be instructed to ensure that all Members are informed of their duty to register interests.

(17) That the Monitoring Officer be instructed to 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.

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

(19) That with regards to the power to grant dispensations the Council delegate the power to grant dispensations:-

- on grounds 1 and 4 as set out in this report to the Monitoring Officer with an appeal to the standards committee; and
- on grounds 2, 3 and 5 as set out in this report to the Standards Committee, after consultation with the independent person.