

MUNICIPAL YEAR 2012/2013 REPORT NO. 20A

MEETING TITLE AND DATE:

Council – 4 July 2012

REPORT OF:

Director of Finance,
Resources and Customer
Services

Agenda – Part: 1

Item: 16

Subject:

The Localism Act 2011 – Replacing the
Standards Regime

Cabinet Member consulted: Not applicable

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1. EXECUTIVE SUMMARY

The Localism Act (The Act) received Royal Assent in November 2011. The Act makes fundamental changes to the system of regulation of standards of conduct for elected and co-opted members of local authorities. Changes came into effect on 1 July 2012.

This report follows that agreed by Council on 28th March 2012 (No.205A).

Following that meeting, the Council has set up a Councillor Conduct Committee to replace the Standards Committee. This report seeks approval to the Council's new Code of Conduct, the process for dealing with complaints against councillors and co-opted members, plus the recruitment pack for the new roles of Independent Persons.

All of the above documents reflect the comments of the Council on 28 March, the Members' and Democratic Services Group, the Councillor Conduct Committee and both party groups.

The words underlined in Appendix C have been added at the suggestion of the former chairman of the Standards Committee since the documents were last circulated to party groups.

2. RECOMMENDATIONS

Council is recommended as follows

- 2.1 To approve the new Code of Conduct for Councillors and co-opted members of the Council (Appendix A)
- 2.2 To approve the procedure for dealing with complaints against councillors and co-opted members (Appendix B)

2. RECOMMENDATIONS (CONT)

- 2.3 To approve the contents of the recruitment pack set out in Appendix C (with subsequent additions underlined) and request the Councillor Conduct Committee to select two prospective Independent Persons in accordance with the requirements of the Localism Act, and recommend their appointment to the next Council meeting on 19 September.
- 2.4 To agree the term of office for the Independent Persons ending 30 June 2014.
- 2.5 The documents set out as Appendices A & B attached be the subject of review by the Councillor Conduct Committee and the Members & Democratic Services Group and a report be submitted to Council at its meeting on 27 March 2013.

3. LOCALISM ACT 2011

- 3.1 The Localism Act places a duty on local authorities to promote and maintain high standards of conduct for its elected and co-opted members.
- 3.2 The Act repeals Section 55 of the Local Government Act 2000, which provided for the statutory Standards Committee. This therefore means that such committees are no longer a requirement. However, there will still be a need to deal with standards issues and case work so local authorities may choose to retain a Committee for these purposes.
- 3.3 Council on 28 March 2012 agreed to establish a Councillor Conduct Committee to replace the former Standards Committee. This Committee was set up at the Annual Council in May.
- 3.4 This Committee held its first meeting on 13 June 2012.

4. THE CODE OF CONDUCT

- 4.1 The General Principles and Model Code of Conduct have been repealed. The Council is required to adopt a new Code of Conduct governing elected and co-opted members' conduct when acting in that capacity. The Council's new code of conduct must, when viewed as a whole, be consistent with the following seven principles:
 - Selflessness
 - Integrity
 - Objectivity
 - Accountability
 - Openness

- Honesty
- Leadership

4.2 In addition to the above, Council on 28 March agreed to retain the following in its new code.

- Respect for others
- Duty to uphold the law
- Stewardship

4.3 The Council has discretion as to what it includes in its new code, provided that it is consistent with the above principles in 4.1. However, regulations made under the Act require the registration and disclosure of a new category of 'Disclosable Pecuniary Interests' (DPIs). The Act also requires the Council's code to contain appropriate requirements for the registration and disclosure of other pecuniary and non-pecuniary interests.

4.4 The proposed Code of Conduct for the Council is attached as Appendix A for consideration and approval.

5. PROCEDURE FOR DEALING WITH COMPLAINTS

5.1 The Act requires the Council to adopt arrangements for dealing with complaints of breaches of the code of conduct by members and co-opted members. These arrangements must set out in some detail the process for dealing with such complaints and the actions which may be taken against a member who is found to have failed to comply with the Code as agreed by the Council.

5.2 The Act also repeals the requirements for separate Referrals, Review and Hearings Sub-Committees and enables Councils to establish their own processes which can include delegation of decisions on complaints. As the new statutory provisions remove the previous powers to the Standards Committee and the Monitoring Officer to deal with complaints and undertake investigations, new delegations from Council (under the terms of the 2011 Act) will be required.

5.3 The proposed procedure for dealing with complaints against members and co-opted members is attached as Appendix B for consideration and approval.

6. INDEPENDENT PERSONS

6.1 The 'arrangements' adopted by the Council must provide for the appointment of at least one Independent Person (IP). Council on 28 March agreed to appoint 2 IPs.

- 6.2 The IPs must be appointed through a process of public advertisement, application and competitive appointment by a positive vote of the majority of all members of the Authority.
- 6.3 Initially, Councils were advised that independent members of the Standards Committee would not be eligible to put themselves forward for the new Independent Persons role. However this is no longer the case. Previous independent members can seek appointment within the first 12 months of the new arrangements being in place (up to July 2013). Councils can determine their period of office. In Enfield's case, it is suggested that this be until 30th June 2014
- 6.4 Appendix C attached is the draft recruitment pack for the appointment of the IPs. This sets out the role description, person specification, eligibility for appointment and the application form. Council is asked to consider and approve the document.
- 6.5 It is intended to go to public advertisement as soon as the recruitment pack has been agreed by Council. It is proposed that the selection will be made by the Councillor Conduct Committee. Recommendations for appointment will then be submitted to the Council meeting on 19 September 2012. Detailed arrangements, including the closing dates for applications and interview dates, will be agreed by the Chair of the Councillor Conduct Committee.

7. ALTERNATIVE OPTIONS CONSIDERED

Detailed discussions took place at both the Members & Democratic Services Group and the Councillor Conduct Committee on the various options available to the Council. The documents appended to this report represent the outcome of those discussions.

8. REASONS FOR RECOMMENDATIONS

To implement the requirements of the Localism Act in relation to the new Standards Regime.

9. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE RESOURCES AND OTHER DEPARTMENTS

9.1 Financial Implications

The proposals set out in this report will be contained within existing budgets.

9.2 Legal Implications

These are contained within the body of the report.

10. KEY RISKS

There is a risk that the Council will not be able to recruit suitable candidates for the roles of Independent Persons. This will be mitigated as much as possible by proactive publicity plus public advertisement in the local press, Council publications and the website.

11. EQUALITIES IMPACT IMPLICATIONS

The proposals within this report will help to ensure fair, equal and consistent treatment of complaints against councillors for all parties concerned.

12. IMPACT ON COUNCIL PRIORITIES

Fairness for All and Strong Communities

A strong ethical approach by the Council and the promotion of good conduct on the part of members will have a positive effect on their representational role and a consequential impact on communities.

Background Papers

Localism Act and related statutory instruments