

ANNUAL COUNCIL MEETING – 16TH MAY 2012

Extract from Minutes of Standards Committee meeting held on 14 May 2012

34 – STANDARDS REGIME UNDER THE LOCALISM ACT

Following the enactment of the Localism Act in November 2011, the Standards Committee had met in its capacity as an Issues and Ideas Working Group on a number of occasions to consider options for the replacement of the current standards regime, the latest discussions having taken place immediately prior to the Committee's meeting.

The Working Group had considered the report of the Borough Solicitor and Monitoring Officer which highlighted a number of emerging issues for consideration. A major factor for Members was that the Regulations, which would underpin much of the new procedure, were still awaiting publication and key information was not yet available. Notwithstanding this, the Working Group had had a robust discussion on matters concerning the Code of Conduct, the draft complaints procedure and recruitment of the Independent Person.

Due to the need to have a new regime in place by 1 July 2012, the Borough Solicitor and Monitoring Officer had submitted a report to the Standards Committee which set out six recommendations to enable a number of issues to be progressed pending publication of the Regulations. Having considered the report, Members expressed the view that they were minded to accept the recommendations subject to the following amendments:

Recommendation 3: The Working Group had discussed a draft procedure for the consideration of complaints, which it had not yet agreed but which could impinge on the terms of reference suggested. Members stated that, to provide some flexibility for its future discussions, the terms of reference should also be referred to as being in draft form.

Recommendation 6: During its discussions, the Working Group had indicated that it favoured the illustrative text published by Communities and Local Government Minister, Bob Neill MP as its preferred Code of Conduct. The Borough Solicitor and Monitoring Officer reported that work was ongoing with other authorities in the Cheshire sub-region, including the Cheshire Association of Local Councils and Cheshire Fire Authority with a view to all adopting the same code. As this was an aspiration rather than a mandatory requirement, it was suggested that the following words be inserted in the second line of the recommendation so that the paragraph would now read "*conduct with a view to it being adopted* across the Cheshire Authorities which will include Town and Parish Councils and the Fire Authority".

RESOLVED:

That the Standards Committee recommends to Council that:-

- 1 The Council's existing model code of conduct for elected members and the procedure for the investigation of complaints under the code remain in force on an interim basis until the next meeting of the Council in July 2012 when further recommendations will be brought forward for the adoption of a new code of conduct;
- 2 The Audit and Governance Committee establish on an ad-hoc basis, a sub-committee with delegated powers to deal with standards issues with effect from the next meeting of the Council in July 2012;
- 3 The draft terms of reference at Appendix (i) of the report submitted be adopted in respect of the Audit and Governance sub-committee;
- 4 The Monitoring Officer be given delegated authority to undertake a recruitment process for up to three Independent Persons as required under Section 28(7) of the Localism Act 2011 once details of the transitional provisions have been received;
- 5 That, if necessary in order to comply with statutory timescales, the Council's urgency sub-committee shall approve the provisional appointment of the Independent Persons subject to formal ratification by full Council at the July meeting; and
- 6 Members note that work is ongoing to draft a new standards code of conduct with a view to it being adopted across the Cheshire authorities which will include Town and Parish Councils and the Fire Authority.