

<b>MEETING:</b>	<b>COUNCIL</b>
<b>DATE:</b>	<b>2 MARCH 2012</b>
<b>TITLE OF REPORT:</b>	<b>REPORT OF THE STANDARDS COMMITTEE MEETINGS HELD ON 10 NOVEMBER 2011 AND 13 JANUARY 2012</b>
<b>REPORT BY:</b>	<b>STANDARDS COMMITTEE</b>

**CLASSIFICATION:** This is an open report.

**MEMBERSHIP:** David Stevens (Independent Member) (Chairman); Olwyn Barnett (Local Authority representative), Jake Bharier (Independent Member); Chris Chappell (Local Authority representative), Isabel Fox (Independent Member); - (resigned on 9th February) Richard Gething (Town and Parish Council Representative); Mary Morris (Town and Parish Council Representative).

### **Wards Affected**

County-wide

### **Purpose**

To inform Council about the activities of the Committee and its Sub-Committees and the future of the standards framework.

### **Recommendation**

**That the report be noted**

### **Dispensations**

1. We have not received any applications for dispensations.

### **The Future of the Local Government Standards Framework**

2. Last summer the Council's Group Leaders decided that the Standards Committee should formulate proposals to enable consideration to be given to the way in which the Council could deal with ethical standards when the current regime ceases. The Committee created a working group and discussions have been held with Group Leaders about the arrangements which need to be put in place to meet the requirements of the new legislation.
3. The Localism Act 2011 received Royal Assent on 15 November 2011. It abolishes the current standards regime, including a statutory code of conduct for councillors, and oversight of the arrangements by Standards for England. In place of this are

new statutory obligations, which are considerably less prescriptive in the way complaints should be handled, but will still have an impact on the Monitoring Officer and his staff who are involved.

4. The Secretary of State has not yet made all the necessary orders to bring into force the changes. However, the effective date will be 1 July 2012 and consideration is being given to the arrangements which need to be put in place by then.
5. The Group Leaders and the Committee are particularly mindful of the need for the new arrangements to maintain public confidence and to have a procedure which is as simple and short as is possible, whilst complying with a range of legal obligations, such as the principles of natural justice, as well as those of the Localism Act.
7. The precise arrangements and requirements on the Council will be the subject of a further report when the Government has firmed up on its requirements. The issues which the Committee has considered in its discussions with Group Leaders and the Monitoring Officer include:
  - the adoption of a new code of conduct. The Association of Council Secretaries and Solicitors (ACSeS) is preparing a generic one which could be 'rolled out' across local authorities in England and would be similar to that operated before the standards regime was introduced. When finalised it could be adopted, subject to any amendment of detail required to deal with local circumstances;
  - the introduction of a more streamlined process for dealing with complaints about a Member of the Council. The Committee has looked at the creation of a Standards Panel to hear any complaints that cannot be resolved at an early stage by the Monitoring Officer.
  - the way in which complaints about parish/town councillors will be dealt with - It is not yet fully clear what the requirements will be but Herefordshire Council will have responsibility for adjudicating on complaint matters;
  - complaints procedure – the Monitoring Officer will play a more prominent role in the initial filtering of complaints, and a more streamlined procedure is envisaged, using a faster timetable than afforded by the present system;
  - Register of Interests – work will be done by the Monitoring Officer on establishing a new register of interests for the Council, and for the town and parish councils within its remit once the necessary Statutory Instrument is in place;
  - possible membership of the Standards Panel is also being looked into; the initial indications were that the existing independent persons will not be permitted to continue under the new regime but the Government is now said to be considering a change in its position. Consideration will therefore be given to the numbers of independent persons required and any recruitment process; and
  - training – all Members will need to receive appropriate information and briefing on the new statutory duties and new arrangements. This will include town and parish councils.

## **Local Filter Cases and Determinations**

8. We have reviewed progress made with complaints about local authority, town and parish councillors since the introduction of the local filter on 08 May 2008. In 2008, 18 complaints were considered, 50 in 2009, 31 in 2010, 64 in 2011, and 5 have been received and are at various stages so far in 2012

9. As part of the Localism Act 2011, the regulatory role of Standards for England (SfE) ceased to exist on 31 January 2012. SfE no longer has powers to accept new referrals from local standards committees, conduct investigations into complaints or provide guidance.
10. Nevertheless the Committee still has to deal with complaints under the existing regime until the new regulations come into force. All new complaints which are received before the end of June 2012 will therefore be dealt with under the current regulations. We are making steady progress with the existing complaints and aim to have all completed before the new system comes into effect.

## **Background Papers**

- Agenda for the Standards Committee Meetings held on 10 November 2011 and 13 January 2012.

**DAVID STEVENS  
CHAIRMAN  
STANDARDS COMMITTEE**